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Regulations

TITLE 7—AGRICULTURE

Chapter XII—Commodity Credit Corporation

[Order 4, Amdt. 1]

PART 1600—OILSEEDS

PURCHASE, SALE AND USE OF PEANUTS OF 1943 CROP

Commodity Credit Corporation Order 4 (8 F.R. 7887), issued by the War Food Administrator on June 10, 1943, is hereby amended to read as follows:

§ 1600.4 *Purchase, sale and use of peanuts restricted*—(a) *Definitions*. (1) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not, including the States of the United States, their political subdivisions and agencies.

(2) "Corporation" means the Commodity Credit Corporation.

(3) "Farmers' stock peanuts" means picked or threshed peanuts in the shell which have been produced in the calendar year 1943 in the continental United States and which have not been cleaned, shelled, crushed, or otherwise changed from their natural state after picking or threshing.

(4) "Producer" means a person who grows, harvests, or threshes peanuts in the continental United States for purposes of sale.

(5) "Bona fide farmer" means a person who, as determined by the County Committee for the county in which he resides, is engaged in or presently and in good faith expects to engage in the planting or cultivation of peanuts.

(6) "County Committee" means the group of persons, or any one thereof acting for such group, elected within any county to assist in the administration of the agricultural conservation program in such county.

(7) "Handler" means a person, other than a designated agency, who has entered into a contract with the Corporation to purchase, sell, or deliver peanuts for the account of the Corporation.

(8) "Designated agency" means a cooperative association of producers which has entered into a contract with the Corporation to purchase, sell, or deliver peanuts for the account of the Corporation.

(9) "Crush" means to press, expel, or extract oil from farmers' stock peanuts.

(10) "Clean and shell" means to remove the dirt, stems, or other foreign material from the shells of farmers' stock peanuts, or to remove the shells therefrom, other than in connection with the crushing of such peanuts. "Cleaning and shelling" shall be construed accordingly.

(11) "Purchase" includes contracts to purchase.

(12) "Sell" and "sale" include contracts to deliver.

(13) "Deliver" and "delivery" include contracts to deliver.

(b) *Restrictions on purchases, sales, and deliveries of farmers' stock peanuts*. No person shall sell or deliver farmers' stock peanuts, and no person shall purchase or accept delivery of farmers' stock peanuts, except as provided in paragraph (c) hereof or as specifically authorized by the President of the Corporation in order to assure a proper distribution and use of peanuts for defense, for private account, and for export.

(c) *Permissible purchases, sales, and deliveries of farmers' stock peanuts*. The following purchases, sales, and deliveries of farmers' stock peanuts are not restricted:

(1) Purchases or acceptances of deliveries by, and sales or deliveries to, the Corporation, or a handler or designated agency purchasing for the account of the Corporation pursuant to the terms of a handler's or designated agency's contract with the Corporation.

(2) Sales or deliveries by, and purchases or acceptances of deliveries from, the Corporation, or a handler or designated agency selling for the account of the Corporation pursuant to the terms of a handler's or designated agency's contract with the Corporation.

(d) *Limitation on aggregate sales and deliveries of farmers' stock peanuts for cleaning and shelling*. Notwithstanding any other provision of this order, the aggregate quantity of farmers' stock peanuts sold or delivered for cleaning and

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shelling by or under authorization of the Corporation shall not exceed 700,000 tons, unless otherwise specifically authorized by the War Food Administrator.

(e) *Restrictions on crushing, cleaning and shelling of farmers' stock peanuts.* No person shall crush, clean or shell farmers' stock peanuts except in such quantities as may be specifically authorized by the President of the Corporation in order to assure a proper distribution and use of peanuts for defense, for private account, and for export: *Provided*, That any producer may clean or shell farmers' stock peanuts produced by him in a quantity not in excess of two tons.

(f) *Restrictions on sales and deliveries of peanuts for planting.* No person shall sell or deliver peanuts for planting except upon the following conditions:

(1) Such sales or deliveries shall be made only to bona fide farmers.

(2) Such sales or deliveries shall not exceed the quantity of peanuts which, as determined and certified in writing by the County Committee, are needed by the bona fide farmer for planting his peanut acreage goal, as determined by the County Committee.

(3) Each such sale or delivery of peanuts shall be accompanied by the delivery, from the bona fide farmer to the person from whom he purchases or accepts delivery, of the County Committee's certificate referred to in (2) hereof.

(g) *Restrictions on purchases or acceptance of deliveries of peanuts for planting.* No person shall purchase or accept delivery of peanuts for planting if the sale or delivery thereof to him would be in violation of paragraph (f) hereof.

(h) *Audits and inspections.* The President of the Corporation shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of peanuts of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(i) *Records and reports.* The President of the Corporation shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(j) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the President of the Corporation, setting forth in such petition all pertinent facts and the nature of the relief sought. The President of the Corporation may thereupon take such action as he deems appropriate, which action shall be final.

(k) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using peanuts, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(l) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the President of the Corporation. The President of the Corporation is authorized to redelegate to any person within the War Food Administration any or all of the authority vested in him by this order.

(m) *Communications.* All reports required to be filed hereunder and all com-

munications concerning this order shall, unless instructions to the contrary are issued by the President of the Corporation, be addressed to the War Food Administrator, United States Department of Agriculture, Washington, D. C., Ref. CCC-4.

(n) *Territorial scope.* The provisions of this order shall apply within the forty-eight States and the District of Columbia.

(o) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., August 19th, 1943.

(E.O. 9230, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 18th day of August, 1943.

GROVER B. HILL,
Acting War Food Administrator.

[F. R. Doc. 43-13559; Filed, August 19, 1943;
11:35 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property Custodian

[General Order 21 as Amended]

PART 503—GENERAL ORDERS

EXTENSION OF TIME FOR FILING NOTICES OF CLAIM ARISING AS RESULT OF VESTING ORDERS

Under the authority of the Trading with the Enemy Act as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, determining that it is in the national interest to extend the time for filing notices of claim arising as a result of vesting orders as hereinafter set forth, and that adherence to a period of limitation expiring prior to January 1, 1944 may cause undue hardship or inequity to claimants, hereby amends General Order No. 21 to read as follows:

§ 503.21 *General Order No. 21.* (a) Without limitation by reason of any provision as to a specified claim period in any vesting order heretofore issued, any person, except a national of a designated enemy country, asserting any claim arising as a result of a vesting order, may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, at any time up to and including January 1, 1944, or within such further time as may be provided in any such order or on application or otherwise.

(b) The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

(40 Stat. 411, 50 U.S.C. App.; 55 Stat. 839, 50 U.S.C. App. (Supp. 1942); E.O. 9193)

Executed at Washington, D. C., on August 17, 1943.

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13535; Filed, August 19, 1943;
10:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 200]

INVENTORY REPORT

ORDER PRESCRIBING FORM

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Supp. 301-318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 111, entitled "Inventory Report," effective immediately upon the filing hereof with the Division of the Federal Register.¹

The foregoing addition shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

AUGUST 18, 1943.

[F. R. Doc. 43-13514; Filed, August 18, 1943;
2:44 p. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

PART 971—ETHYL ALCOHOL

[Allocation Order M-30, as Amended August 19, 1943]

Section 971.1 *General Preference Order M-30* is hereby amended to read:

§ 971.1 *Allocation Order M-30—(a) Definitions.* (1) "Ethyl alcohol" means the product of that name, from whatever source derived. The term includes mixtures of ethyl alcohol and denaturants, including the product known as "proprietary solvent." The term does not include ethyl alcohol produced for beverage purposes.

(2) "Producer" means any person engaged in the production of ethyl alcohol and includes any importer and any person who has ethyl alcohol produced for him pursuant to toll agreement.

(3) "Distributor" means any person who has purchased or purchases ethyl alcohol for purposes of resale.

(4) "Supplier" means a producer or distributor.

(b) *General restrictions on deliveries and use.* (1) No person shall accept delivery of ethyl alcohol from a supplier except in accordance with the procedure established by paragraph (c) or except upon specific written authorization of the War Production Board issued on application made pursuant to paragraph (d).

¹ Form filed as part of the original document.

(2) No supplier shall deliver any ethyl alcohol except against a certificate furnished him under paragraph (e) or except upon specific written authorization of the War Production Board issued on application made by the supplier under paragraph (f).

(3) No supplier shall use any ethyl alcohol except upon specific written authorization of the War Production Board issued on application made by him under paragraph (d).

(c) *Acceptance of certain deliveries of 3500 gallons or less per quarter.* Any person may without specific written authorization of War Production Board accept delivery in any calendar quarter from all sources of not more than 3500 gallons of ethyl alcohol, subject to two conditions. The first condition is that he shall have furnished to each supplier from whom he obtains delivery a certificate substantially in the form set forth in Appendix C. The second condition is that the aggregate amount received (in no case in excess of 3500 gallons) must be within the following additional quantity limitations:

(1) Where the purpose for which delivery is requested is the manufacture of any of the following products, the quantity received in any calendar quarter shall not (without specific written authorization) exceed 100% of the quantity used for the same purpose in the corresponding calendar quarter of the 12-month period ended June 30, 1941:

Adhesives.
Agricultural poisons.
Brake fluids.
Cutting oils.
Drugs and pharmaceuticals (not including rubbing alcohol or products specifically listed in paragraphs (c) (3) or (c) (4)).
Embalming fluids.
Food products (except candy glazes, pectin and vinegar).
Laboratory and experimental.
Photographic materials (including photo engraving).
All other products not classified in paragraphs (c) (2) to (c) (6) inclusive.

(2) Where the purpose is the manufacture of any of the following products, the quantity received in any calendar quarter shall not (without specific written authorization) exceed 50% of the quantity used for the same purpose in the corresponding calendar quarter of the 12-month period ended June 30, 1941:

Candy glazes.
Cleaning and polishing preparations (including shoe and floor polishes).
Deodorant sprays (non-body).
Tooth cleaning preparations.
Witch hazel.
All toiletries and cosmetics including but not limited to:
Bay rum.
Body deodorants.
Face and hand creams and lotions.
Hair and scalp preparations.
Perfume and perfume materials, tinctures and fixatives.
Shampoos.
Toilet soaps (including shaving cream).
Toilet waters.

For the purposes of this paragraph (c) (2) all toiletry and cosmetic uses of ethyl alcohol shall be considered as a whole, and the use during the base period of

ethyl alcohol in the manufacture of a particular toiletry or cosmetic product may be used to support the acceptance of delivery for use in the manufacture of a different toiletry or cosmetic product. For example, ethyl alcohol used in the manufacture of toilet waters during the base period would support the receipt of ethyl alcohol for the manufacture of after-shave lotions containing ethyl alcohol.

(3) Where the purpose is the manufacture of one of the following products, the quantity received in any calendar quarter shall not (without specific written authorization) exceed 60% of the quantity used for the same purpose in the corresponding calendar quarter of the 12-month period ended June 30, 1941:

Antiseptics for oral uses (including Antiseptic Solution N. F.).
Mouth washes.

(4) Where the purpose is the manufacture of any of the following products, there shall be no further limitation on the quantity received (beyond the requirement that only 3500 gallons may be accepted in a calendar quarter):

Acetaldehyde.
Acetic acid (except vinegar for food use).
Basic medicinal chemicals not in compound form.
Biological preparations.
Butadiene.
Diethylamine.
Dyes and intermediates (manufacture of).
Ethers.
Ethyl acetate.
Ethyl chloride.
Other ethyl esters.
Ethylene dibromide.
Ethylene gas.
Ethylene oxide.
Explosives (military and industrial).
Flotation reagents.
Fulminate of mercury.
Glycols.
Hydrosulfites.
Natural shellac (dissolving).
Nitrocellulose (dehydration).
Nitrocellulose (dissolving and as a diluent).
Pectin.
Plastics and synthetic resins (manufacture of).
Styrene.
Xanthates.

(5) Where the purpose is the manufacture of one of the following products, the quantity received in any calendar quarter shall not (without specific written authorization) exceed 110% of the quantity used for the same purpose in the corresponding calendar quarter of the 12-month period ended June 30, 1941:

Flavoring extracts.
Vinegar.

(6) Where the purpose is the manufacture of any rubbing alcohol compound or preparation, the quantity received in any calendar quarter shall not (without specific written authorization) exceed 15% of the quantity used for the same purpose in the corresponding calendar quarter of the 12-month period ended June 30, 1941.

(7) Where the purpose is not the manufacture of other products but resale as ethyl alcohol, specific written authoriza-

tion of War Production Board shall in every case be obtained, whatever the quantity, except as provided in (c) (8).

(8) Specific written authorization of War Production Board shall not be required for, and no limitation based on past use shall be applicable to, the acceptance of delivery by any person in any calendar quarter from all sources of not more than 162 gallons for any purpose other than the manufacture of rubbing alcohol compound or preparation.

(d) *Acceptance of deliveries (and use by suppliers) upon specific authorization.* Each person seeking specific authorization to accept delivery of ethyl alcohol during any calendar quarter, whether for his own consumption or resale (and each supplier requiring authorization to use ethyl alcohol in any calendar quarter) shall file application therefor on or before the 5th day of the last month of the preceding quarter. The application will be made on Form WPB-2945 (formerly PD-600) in the manner set forth in the general instructions appearing on that form, subject to the special instructions appearing in Appendix A to this order. If there is any inconsistency between the general and special instructions, the special instructions must be followed.

(e) *Certain deliveries by suppliers of 3,500 gallons or less per quarter.* (1) A supplier may without specific authorization of the War Production Board deliver to any person who has filed with him a certificate substantially in the form set forth in Appendix C, the quantity of ethyl alcohol (in no case more than 3,500 gallons in any calendar quarter) which such person is entitled to receive under one of the paragraphs (c) (1) to (c) (8) inclusive.

(2) A supplier may without such certificate and without authorization deliver not more than 162 gallons in any calendar quarter to any hospital or scientific institution holding a permit issued by the Bureau of Internal Revenue permitting it to acquire undenatured alcohol tax free.

(3) A supplier must not deliver ethyl alcohol where he knows or has reason to believe that the certificate is false, but in the absence of such knowledge or reason to believe he may rely upon it.

(4) If War Production Board issues written directions to suppliers reducing the quantities of ethyl alcohol which may be delivered pursuant to paragraph (e) (1), suppliers will rateably reduce all orders for ethyl alcohol from customers wishing it for the same class of use.

(f) *Deliveries by suppliers upon specific authorization.* Each supplier requiring specific authorization to deliver ethyl alcohol during any calendar quarter shall file application on or before the 15th day of the last month of the preceding quarter. The application will be made on Form WPB 2947 (formerly PD-602) in the manner set forth in the general instructions appearing on that form, subject to the special instructions appearing in Appendix B. If there is any inconsistency between the general and special instructions, the special instructions must be followed.

(g) *Special authorizations and directions.* (1) Authorizations and directions

with respect to delivery to be made or accepted in each calendar quarter (and with respect to use by suppliers in each calendar quarter) will generally be issued by War Production Board prior to the beginning of such quarter, but War Production Board may at any time in its discretion and notwithstanding the provisions of paragraphs (c) (1) to (c) (8) inclusive issue directions to any person with respect to:

(i) Use, delivery or acceptance of delivery of ethyl alcohol.

(ii) Production of ethyl alcohol, including raw materials which may be used.

(2) War Production Board may issue to suppliers and other persons, other and different instructions with respect to the preparation or filing of Form WPB 2947 (formerly PD-602) and Form WPB 2945 (formerly PD-600).

(h) *Special restrictions—rubbing alcohol, anti-freeze, beverage use.* (1) No person shall deliver ethyl alcohol or any compound or preparation containing ethyl alcohol for use as rubbing alcohol or for the manufacture of any rubbing alcohol compound or preparation; provided that this restriction shall not prevent deliveries to:

(i) A hospital or scientific institution holding a permit issued by the Bureau of Internal Revenue permitting it to receive undenatured alcohol tax free.

(ii) Licensed physicians, dentists and veterinarians.

(iii) The holders of written prescriptions or orders of licensed physicians, dentists and veterinarians.

(iv) A wholesale or retail druggist, for resale in accordance with this paragraph (h) (1) only.

(v) A manufacturer of any rubbing alcohol compound or preparation or a packager or bottler of any such compound or preparation (in amounts not exceeding the amounts permitted by paragraph (c) (6) hereof), for resale in accordance with this paragraph (h) (1) only.

(2) The restrictions of this order shall govern delivery of ethyl alcohol to and acceptance of delivery of ethyl alcohol by any person for use in the manufacture of anti-freeze preparations, provided that:

(i) Any person may deliver or accept delivery of completed anti-freeze preparations containing ethyl alcohol without specific authorizations under this order; and

(ii) Nothing contained in this order shall be construed to permit the manufacture, delivery or acceptance of delivery of any anti-freeze preparation in violation of § 1100.1, Limitation Order L-51, as from time to time amended.

(3) No person shall deliver or accept delivery of ethyl alcohol or any compound or preparation containing ethyl alcohol for use, whether in its then form or after rectification or other treatment, for beverage purposes.

(i) *Special provisions—inventories, unfilled orders.* (1) Ethyl alcohol allocated for inventory shall not be used except as specifically authorized or directed in writing by War Production Board.

(2) Ethyl alcohol allocated to fill a specified order or class of orders shall, where and to the extent that such order or class of orders is for any reason not filled, revert to inventory as though originally allocated therefor.

(j) *Transactions outside the United States.* This order does not apply to deliveries of ethyl alcohol which are both made and received outside of the forty-eight states and the District of Columbia, or to the use of ethyl alcohol outside such states and District, but the import of ethyl alcohol shall be subject to all the provisions hereof.

(k) *Miscellaneous provisions.*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of War Production Board, as amended from time to time.

(2) *Forms.* Forms WPB 2945 and WPB 2947, provided for in paragraphs (d) and (f) have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(3) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C.; Ref: M-30.

This amendment shall take effect October 1, 1943, except that the provisions with respect to applications for authority to deliver, accept delivery and use ethyl alcohol in the period beginning October 1, 1943, shall take effect at once. Order M-30, as amended July 15, 1943, shall continue in effect until so superseded.

Issued this 19th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A—SPECIAL INSTRUCTIONS FOR CUSTOMER'S FORM WPB 2945 (FORMERLY PD-600)

(1) *Obtaining forms.* Form WPB 2945 (formerly PD-600) may be obtained at local field offices of the War Production Board.

(2) *Number of copies.* Prepare an original and four copies. File the original and two copies with War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-30, file one copy with each supplier with whom an order is placed, and retain the final copy for your files.

(3) *Information at top of page.* In the heading, under "Name of chemical," specify "Ethyl alcohol"; under "WPB Order No.," specify "M-30"; under "Indicate unit of measure," specify "Wine gallons." In space following heading "Name of supplier with

whom this order is placed," state name of usual supplier and also specify his shipping point, if known.

(4) In headings at top of Tables I, III, and IV, substitute "quarter" for "month" and specify particular quarter and year; for example, "third quarter, 1943."

(5) *Proof.* In columns 1, 11 and 19, specify proof, whether pure or denatured, and if denatured, the formula number.

(6) *Primary product.* In column 3, applicant will specify his primary product in terms of the following:

Acetaldehyde.
Acetic acid (except vinegar for food use).
Adhesives.
Agricultural poisons.
Antiseptics for oral uses.
Basic medicinal chemicals not in compounded form.
Biological preparations.
Brake fluids.
Butadiene.
Candy glazes.
Cleaning and polishing preparations (specify).
Cutting oils.
Deodorant sprays (non-body).
Diethylamine.
Drugs and pharmaceuticals (other than rubbing alcohol and other products elsewhere in this paragraph specifically listed).
Dyes and intermediates (manufacture of).
Embalming fluids.
Ethers.
Ethyl acetate.
Ethyl chloride.
Other ethyl esters.
Ethylene dibromide.
Ethylene gas.
Ethylene oxide.
Explosives (specify whether military or industrial).
Flavoring extracts.
Flotation reagents.
Food products (except candy glazes, pectin and vinegar).
Fulminate of mercury.
Glycols.
Hydro-sulfites.
Natural shellac (dissolving).
Laboratory and experimental.
Mouth washes (other than antiseptics).
Nitrocellulose (dehydration).
Nitrocellulose (dissolving and as a diluent).
Pectin.
Photographic materials (including photo engraving).
Synthetic plastics and synthetic resins (manufacture of).
Rubbing alcohol compounds.
Styrene.
Toiletries and cosmetics (specify).
Tooth cleaning preparations.
Vinegar.
Witch hazel.
Xanthates.
Other products (specify).
Resale (as ethyl alcohol).
Inventory (as ethyl alcohol).

(7) *Product end use.* In column 4, applicant will specify ultimate use of the product which he manufactures. (Where, for example, applicant's primary product called for in column 3 is "ethylene glycol," the ultimate use of product might be "aircraft coolant.") Applicant must also specify in each case whether his customer is Army, Navy, other government agency, Lend-Lease or commercial customer. Where Form WPB 2945 is application for ethyl alcohol for resale or inventory (in each case as ethyl alcohol), leave column 4 blank. If primary product called for in column 3 is under allocation pursuant to War Production Board order, indicate in column 4 "WPB allocation order number."

(8) In column 10 (Remarks) specify quantity of ethyl alcohol used by you in the manufacture of each primary product shown in column 3 in that calendar quarter of the 12-month period ended June 30, 1941, which corresponds to the quarter for which delivery is requested.

(9) *Tables II, III and IV.* Fill out completely Tables II, III and IV, except that Table IV need not be filled out for primary products under allocation. In Table II, substitute word "quarter" for "month" throughout.

APPENDIX B—SPECIAL INSTRUCTIONS FOR SUPPLIER'S FORM WPB 2947 (FORMERLY PD-602)

(1) *Obtaining forms.* Form WPB 2947 (formerly PD-602) may be obtained at local field offices of War Production Board.

(2) *Number of copies.* Prepare an original and three copies, file the original and two copies with War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-30, retaining the third copy for your files.

(3) *Information at top of form.* In heading under "Name of Material," specify "Ethyl alcohol"; leave grade blank; under "WPB Order No.," specify "M-30"; under "Indicate unit of measure," specify "Wine gallons."

(4) In heading "This schedule is for deliveries to be made during the month/quarter ending _____, 194__," strike out word "month" and insert the quarter and year to which the application relates.

(5) *Listing of customers.* In column 1 list the name of each customer from whom you have received a Form WPB 2945 (formerly PD-600) respecting a delivery in the applicable quarter. Do not list names of customers who have not filed with you Form PD-600. If it is necessary to use more than one sheet to list the customers, number each sheet in order and show on the last sheet total orders for customers whose Form WPB 2945 shows that they propose to accept more than 3,500 gallons in the calendar quarter and the total orders from customers whose Form WPB 2945 shows that they propose to receive not more than 3,500 gallons.

(6) *Primary product and end use.* It is not necessary to show primary product or end use with respect to a customer who files Form WPB 2945 (formerly PD-600). Instead, in column 1-a, opposite the name of each such customer, enter "WPB 2945."

(7) *Other orders to be lumped according to use.* In column 1, the supplier need not list names of customers to whom he proposes to make delivery in the applicable quarter, pursuant to paragraph (e) (1) of this order, but will instead show the total quantity of ethyl alcohol for which he has received orders for delivery in such quarter under each of the paragraphs (c) (1), (c) (2), (c) (3), (c) (4), (c) (5), (c) (6) and (c) (8). To do so, he will list in columns 1 and 1-a, for example, "Total quantity ordered for delivery under paragraph (c) (1)," and will list in column 4 the total quantity represented by the orders placed pursuant to such paragraph.

(8) *Proof.* In column 7 (remarks), specify proof, whether pure or denatured, and if denatured, the formula number with respect to all ethyl alcohol for which customer has filed WPB 2945. Do not show this information respecting orders for which WPB 2945 has not been filed and which are lumped under (7) above.

(9) *Use by producers.* Each producer who has filed application on Form WPB 2945 specifying himself as his supplier shall list his own name as customer on Form WPB 2947.

(10) *Table II.* Each producer will report production, deliveries and stocks as required by Table II, columns 9 to 16, inclusive. Distributors will fill out only columns 10, 12 and 13.

APPENDIX C—CUSTOMER'S CERTIFICATE ON CERTAIN DELIVERIES OF 3500 GALLONS OR LESS (SEE PARAGRAPHS (C) (1) TO (C) (8), INCLUSIVE, AND (E) (1))

The undersigned hereby certifies to the War Production Board and to his supplier:

A. That the _____ gallons of ethyl alcohol hereby ordered for delivery in the _____ calendar quarter 194— [insert "fourth, 1943," "first, 1944," etc.] will be used for a class of use within paragraphs (c) (1), (c) (2), (c) (3), (c) (4), (c) (5), (c) (6) [strike out inapplicable paragraph numbers]; that the quantity used by the undersigned in such class of use in the corresponding quarter of the 12-month period ended June 30, 1941, was _____ gallons; and that the amount ordered does not, taken together with all other ethyl alcohol delivered or ordered for delivery in such quarter, exceed _____ % of the quantity used in such class of use in the corresponding quarter;

Or

B. That the ethyl alcohol hereby ordered for delivery in the _____ calendar quarter [insert "fourth, 1943," "first, 1944," etc.] does not, taken together with all other ethyl alcohol delivered or ordered for delivery in such quarter, exceed 162 gallons, and will not be used for the manufacture of rubbing alcohol compound or preparation.

[Fill out A or B but not both.]

_____	_____	_____
Date	Name of Purchaser	
By _____	Duly Authorized Official	Title

INSTRUCTIONS FOR CUSTOMER'S CERTIFICATE

(1) Prepare one copy for each supplier with whom an order is placed and one copy for your files. Wherever possible file certificate with supplier not later than the 5th day of the last month of the quarter preceding the quarter in which you wish to receive delivery. The certificate may be endorsed on the purchase order or be a separate paper. Do not file a copy with War Production Board.

(2) The certificate shall be signed by the purchaser, or an authorized official of the purchaser, either manually or as provided in Priorities Regulation No. 7.

[F. R. Doc. 43-13530; Filed, August 19, 1943; 10:43 a. m.]

PART 3051—SCALES, BALANCES, AND WEIGHTS

[Limitation Order L-190, as Amended August 19, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the materials used in the manufacture of scales, balances, and weights for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3051.1 *Limitation Order L-190—*
(a) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Scales" means devices used for weighing persons, materials, objects or substances, or for grading, classifying, counting or evaluating materials, objects or substances in terms of weight, or the measuring of forces expressed in terms of

weight. The term includes scales, balances, attachments, and weights.

(3) "Weights" means objects of established weight used in connection with the operation of scales and necessary to the operation or testing thereof.

(4) "Scales for household use" includes all scales commonly used for household purposes except dietetic scales graduated in the metric system for personal use by a person whose diet is regulated by a licensed physician and baby weighing or nursery scales.

(5) "New" scales are all scales other than those which have been used, or sold, rented or lent for the purpose of being used; except that scales which have been used solely for demonstration, trial loans or emergency repair loans are "new" scales.

(6) "Emergency repair loan" means the temporary leasing or lending of a scale to replace a similar scale while the latter is being repaired.

(7) "Class One scales" means commercial scales for use in retail trade, spring type scales equipped with postal charts and having a retail list price of five dollars or less, and scales for household use, including bathroom scales and kitchen scales.

(8) "Class Two scales" means person weighing scales for clinical use and baby weighing or nursery scales.

(9) "Class Three scales" means mailing and parcel post scales, except spring type scales equipped with postal charts and having a retail list price of \$5.00 or less.

(10) "Class Four scales" means all scales other than those in Class One, Class Two, Class Three, Class Five, or Class Six.

(11) "Class Five scales" means egg grading scales, milk scales, cotton beam scales, cotton spring scales, and grain sampling, grading, and testing scales.

(12) "Class Six scales" means dietetic scales, graduated in the metric system, for personal use by a person whose diet is regulated by a licensed physician.

(b) *Restrictions on production.* (1) No person shall fabricate parts for new Class One scales or assemble new Class One scales.

(2) During the twelve calendar months commencing April 1, 1943, and during any period of twelve calendar months commencing April 1 of any subsequent year, no person may fabricate or assemble a total number of new Class Two scales in excess of one-fourth of the total number of such scales billed by him to customers during the calendar year of 1941.

(3) During the twelve calendar months commencing April 1, 1943, and during any period of twelve calendar months commencing April 1 of any subsequent year, no person may fabricate or assemble a total number of new Class Three scales in excess of one-fourth of the total number of such scales billed by him to customers during the calendar year of 1941.

(4) No person engaged in the manufacture of scales shall increase his inventory of new scales in Class Four if that inventory following such increase will exceed one-twelfth of the total num-

ber of such scales billed by him to customers during the calendar year of 1941.

(5) During the twelve calendar months commencing April 1, 1943, and during any period of twelve calendar months commencing April 1 of any subsequent year, no person may fabricate or assemble a total number of new Class Five scales in excess of the total number of such scales billed by him to customers during the calendar year of 1941.

(6) During the twelve calendar months commencing April 1, 1943, and during any period of twelve calendar months commencing April 1 of any subsequent year, no person may fabricate or assemble a total number of new Class Six scales in excess of the total number of such scales billed by him to customers during the calendar year of 1941.

(c) *Restrictions on transfer.* (1) No person shall sell any new Class Three, Class Four or Class Five scales to fill any order for such scales in an amount of \$50.00 or more, except orders to which the purchaser has applied or extended a preference rating issued on Form WPB-2581 (Form PD-857), or to which the purchaser has applied or extended a rating of A-9 or higher prior to May 13, 1943. Any person placing such an order amounting to \$50.00 or more after May 13, 1943, shall certify, in substantially the following form, that the preference rating applied or extended was issued on Form WPB-2581, (Form PD-857).

The undersigned purchaser represents to the seller and to the War Production Board that the rating of _____ applied or extended to this purchase order was issued on Form WPB-2581 (Form PD-857).

The person receiving this certification shall be entitled to rely on such representation, unless he knows or has reason to believe it to be false.

(2) No person shall rent or lend any new Class Three, Class Four or Class Five scales to fill any order for such scales in any amount, except orders to which the person placing the order has applied or extended a rating issued on Form WPB-2581 (Form PD-857), or to which the purchaser has applied or extended a rating of A-9 or higher prior to May 13, 1943. Any person placing such an order after May 13, 1943, shall certify that the rating was issued on Form WPB-2581 (Form PD-857) in the manner provided in paragraph (c) (1) of this order, and the person receiving the certification shall be entitled to rely thereon unless he knows or has reason to believe it to be false.

(3) No person shall sell any new Class Three scales to fill any order for such scales in an amount over \$5.00 and less than \$50.00, except orders rated A-9 or higher.

(4) No person shall sell any new Class Four or Class Five scales to fill any order for such scales in an amount over \$5.00 and less than \$50.00, placed by a person intending to use such scales on a farm, except orders for which purchase certificates have been issued by a County Farm Rationing Committee, or orders to which a rating of A-9 or higher was

applied or extended prior to May 13, 1943.

NOTE: Paragraph (5) amended; new paragraph (6) added; former paragraphs (6), (7) redesignated (7), (8) August 19, 1943.

(5) No person shall sell any new Class Four or Class Five scales to fill any order for such scales in an amount over \$5.00 and less than \$50.00, placed by a person intending to use such scales elsewhere than on a farm, except orders rated A-9 or higher.

(6) No person shall sell a new Class Four or Class Five scale having a retail list price of more than \$5.00 to a person intending to resell it, except to fill orders rated A-9 or higher. Scales having a retail list price of \$5.00 or less may be sold without ratings to persons buying them in amounts less than \$50.00 for resale.

(7) No person shall sell any new Class Two or Class Six scales to any person acquiring such scales for personal or family use except to fill the prescription of a licensed physician.

(8) The restrictions of paragraphs (c) (1) to (c) (6), inclusive, of this order shall not apply to an emergency repair loan of new scales when no used scales are available for such use, or to the selling, renting or lending of any scales which are sold or delivered as "laboratory equipment" in accordance with the provisions of Limitation Order L-144, as amended.

(d) *Repair and maintenance parts.* (1) No person shall produce any repair or maintenance parts for scales for household use except parts to be used for rebuilding used commercial scales into baby weighing scales.

(2) During the twelve calendar months commencing April 1, 1943, and during any period of twelve calendar months commencing April 1 of any subsequent year, no person shall fabricate a quantity of parts for repair and maintenance of scales which contains, when finished, a total weight of metals greater than 150% of the total weight of metals in the parts (exclusive of those for scales for household use) used or sold by him for repair and maintenance of scales during the calendar year of 1941.

(e) *Restrictions on types, sizes and materials.* (1) So far as any other order of the War Production Board may have the effect of limiting or curtailing the use of any material in any scales or parts thereof to an extent greater than herein provided, the limitations of such order shall be observed.

(2) No manufacturer shall assemble scales equipped with poises, weighbeams, pans, scoops or commodity receivers of copper or copper base alloys. This restriction does not apply to type bars, to scales sensitive to a weight of one centigram or less, or to racks, pinions and rollers for registering poises.

(3) After a period of sixty days following October 10, 1942, no manufacturer may fabricate weights of copper or copper base alloys if such weights are of

denominations of 20 grams (metric) or 1/2 ounce (avoirdupois) and over. This restriction does not apply to weights of classes A, B, M, S, and S2 as defined and recognized by the National Bureau of Standards.

(4) The War Production Board may from time to time issue schedules establishing simplified practices with respect to the types, sizes, forms, materials and specifications or other qualifications for scales. After the effective date of any such schedule no scales shall be fabricated, or assembled, except such as conforms to the issued schedule and except as specifically permitted by such schedule.

(f) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time, except that notwithstanding the provisions of Priorities Regulation No. 3, CMP Regulation No. 5, or CMP Regulation No. 5A, persons applying or extending a rating issued on Form WPB-2581 (Form PD-857) for scales shall certify that fact as required by paragraph (c) of this order, in addition to making any certifications required by said regulations.

(g) *Records.* All persons to whom this order applies shall keep, and preserve for not less than two years, accurate and complete records concerning inventories, production and sales.

(h) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(i) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and answers to questionnaires as the War Production Board shall from time to time request.

(j) *Violations.* Any person who willfully violates any provisions of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(k) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may appeal to the War Production Board setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

(l) *Communications.* All reports to be filed hereunder, or communications concerning this order should be addressed to: War Production Board, Service Equipment Division, Service Machinery

Section, Washington 25, D. C. Ref: L-190.

Issued this 19th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1

Paragraph (a) (7) of § 3051.1, *Limitation Order L-190*, defines "Class One scales" to include "commercial scales for use in retail trade." The phrase "commercial scales for use in retail trade" means only cylinder-type scales, fan-type scales, hanging scales and even-balance scales of the kinds, sizes and models commonly used in making sales of merchandise direct to ultimate consumers. Issued April 29, 1943.

[F. R. Doc. 43-13531; Filed, August 19, 1943; 10:43 a. m.]

PART 3270—CONTAINERS

[Conservation Order M-343]

BOX-VENEER

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of box-veneer for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3270.4 Conservation Order M-343.

Definitions

(a) *Definitions.* For the purposes of this order:

(1) "Veneer" means single-thickness lumber made by the rotary cutting of logs.

(2) "Box-veneer" means veneer made for use, in single thickness, in the manufacture of wooden shipping containers.

(3) "Aircraft-veneer" means veneer made for use in the manufacture of aircraft.

(4) "Marine-veneer" means veneer made for use in the manufacture of boats or ships.

(5) "Producer" means any person who operates a plant in which, at any time since January 1, 1942, box-veneer has been made for sale to box-manufacturers.

(6) "Box-manufacturer" means any person who manufactures wooden shipping containers made in whole or in part from box-veneer.

Quota and Sale Restrictions

(b) *Quota restriction.* This order does not restrict the amount of box-veneer, aircraft-veneer, or marine-veneer which a producer may make. However, during any quota period, no producer shall make veneer of any type other than those three types unless, during that period, he makes enough box-veneer to fill his box-veneer quota. Quota periods and amounts are set out in paragraph (d) below.

(c) *Sale restriction.* No producer shall sell to any one except box-manufacturers the box-veneer produced to fill his quota.

(d) *Quota periods and amounts.* Every producer shall determine how many square feet of box-veneer were made in his plant during each of the following 2 periods: the first 6 months of 1942 and the first 6 months of 1943. The larger of those two amounts is his "base quantity". For the 1½-month quota period August 16-September 30, 1943, his box-veneer quota shall be 25% of his base quantity. For each 3-month quota period thereafter (October-December, January-March, etc.), his box-veneer quota shall be 50% of his base quantity.

(The 25% and 50% quotas represent 1½ and 3 month periods. However, they are applied to a 6-month base quantity. Therefore, in effect, they represent 100% of the 6-month rate of operation.)

Miscellaneous Provisions

(e) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter, referring to the particular provision appealed from and stating fully the grounds for the appeal.

(f) *Communications to the War Production Board.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Containers Division, Washington 25, D. C., Ref: M-343.

(g) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or accepting further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(h) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

Issued this 19th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13533; Filed, August 19, 1943;
10:43 a. m.]

PART 3291—CONSUMERS DURABLE GOODS¹

[Schedule II As Amended August 19, 1943 to Limitation Order L-152]

BABY CARRIAGES

Section 3291.287¹ *Schedule II to Limitation Order L-152* is hereby amended to read as follows:

§ 3291.287 *Schedule II to Limitation Order L-152.* Pursuant to paragraph (b) (3) of Limitation Order L-152, the following production quotas for carriages are hereby established for the period from July 1, 1943 to September 30, 1943, inclusive. Each manufacturer named is authorized to produce during that period the number of carriages set forth opposite his name.

¹ Formerly Part 1282, § 1282.3.

Name	Number of carriages			
	Group I		Group II	Group III
	Maximum steel 6 pounds	Maximum steel 9 pounds		
Adler Mfg. Co., Louisville, Ky.				25,000
Aga Toy Co., New York, N. Y.				5,000
Allied Cabinet Corp., Chicago, Ill.				15,000
Amman-Goertz Co., New York, N. Y.				500
Atlas Baby Carriage Co., New York, N. Y.	3,500			5,000
B. & W. Mfg. Co., Cleveland, Ohio.				5,000
Baby Jeep Co., Winston-Salem, N. C.	10,000			20,000
Beiger Showcase & Fixture Co., Los Angeles, Calif.				25,000
Bilt-Rite Baby Carriage Co., Brooklyn, N. Y.		6,000	120	5,000
Louis P. Brantz Co., Philadelphia, Pa.				5,000
Collier-Keyworth Co., Gardner, Mass.		8,500		15,000
George Cooper Mfg. Co., New York, N. Y.	6,000			2,500
Custom-Bilt Mfg. Co., Gardner, Mass.	2,400			4,200
Garton Toy Co., Sheboygan, Wis.				5,500
Hartman Mfg. Co., St. Louis, Mo.		4,500		15,000
C. H. Hartshorn Co., Gardner, Mass.		4,500		2,500
Hedstrom-Union Co., Gardner, Mass.		21,000	300	4,200
Heywood-Wakefield Co., Gardner, Mass.	32,000			5,500
Kaywood Corp., Benton Harbor, Mich.				15,000
Kroll Bros., Chicago, Ill.		15,000		23,000
Kuniholm Mfg. Co., Gardner, Mass.		23,000		1,000
Leader Baby Carriage Co., New York, N. Y.		1,000		5,000
Mahr-Bufon Co., Minneapolis, Minn.	8,000			1,000
Packard Mfg. Co., St. Louis, Mo.	20,000			7,500
Parkholme Display Co., Chicago, Ill.				200
Pearl Mfg. Co., New York, N. Y.		1,000		10,000
Perfection Mfg. Co., St. Louis, Mo.		7,500		1,000
L. B. Ramsdell Co., Gardner, Mass.	1,000			7,500
Rex Baby Carriage Co., New York, N. Y.		1,000		3,500
Rockford Showcase Co., Rockford, Ill.				60,000
S. & E. Mfg. Co., Fitchburg, Mass.				7,500
Shuler Radiant Co., Cleveland, Ohio.				5,000
O. W. Siebert Co., Gardner, Mass.	36,000			7,500
South Bend Toy Co., South Bend, Ind.	5,000			500
Stanley Chair Co., Cheltenham, Pa.				78,000
Storkline Furniture Corp., Chicago, Ill.	16,000			20,000
Tam-Tot Mart, Washington, D. C.				15,000
Frank F. Taylor Co., Cincinnati, Ohio.				4,000
Thayer Co., Gardner, Mass.		25,000	400	60,000
Valley City Furniture Co., Grand Rapids, Mich.				500
Wear-Ever Carriage Co., New York, N. Y.		4,000		78,000
The Welsh Co., St. Louis, Mo.		60,000		20,000
F. A. Whitney Co., Leominster, Mass.	15,000	8,602	500	15,000

Issued this 19th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13534; Filed, August 19, 1943;
10:43 a. m.]

PART 3102—NATIONAL EMERGENCY SPECIFICATIONS FOR STEEL PRODUCTS

[Schedule 5 to Limitation Order L-211 as Amended Aug. 19, 1943]

STEEL AXLES AND FORGINGS (RAILROAD AND TRANSIT SERVICES)

§ 3102.6 *Schedule 5 to Limitation Order L-211—(a) Definitions.* For the purposes of this schedule:

(1) "Axles" means rolled or forged steel axles for locomotives, tenders, and freight and passenger cars for railroad and rail transit service.

(2) "Forgings" means steel forgings (other than axles, wheels, or tires) for locomotives, tenders, freight and passenger cars for railroad and rail transit service.

(3) "Annealed" as used in any of the specifications in Lists 1 or 2, means heated to obtain the desired internal structure and cooled, evenly and slowly, either in air or in the furnace at the option of the manufacturer.

(b) *Restrictions on sizes and shapes.* No person shall produce, fabricate, or deliver:

(1) Freight car axles, except in the sizes and dimensions conforming to the AAR Standard Axles adopted 1929, as set forth in section D of the Association of American Railroads, Mechanical Division, Manual of Standard and Recommended Practice.

(2) Railroad passenger car and tender friction bearing axles, except in the sizes and dimensions conforming to the AAR New Passenger Car Axles, Standard adopted 1940, as set forth in section D of the Association of American Railroads, Mechanical Division, Manual of Standard and Recommended Practice or in AAR Specification E-M-101-42.

(3) Transit car axles with machine offset dust guards, except in designs having off-set dimensions greater than ¼ inch.

(c) *Restrictions on specifications.* (1) No person shall produce, fabricate, or deliver axles except to a specification set forth in List 1 of this schedule.

(2) No person shall produce, fabricate, or deliver forgings except to a specification set forth in List 2 of this schedule.

(d) *Acceptance of delivery.* No person shall accept delivery of axles or forgings which he knows or has reason to believe were produced, fabricated, or delivered in violation of the provisions of paragraphs (b) or (c).

(e) *Exceptions.* (1) The provisions of paragraphs (b), (c), and (d) shall not apply to steel axles and forgings:

(i) The production, fabrication, delivery, or acceptance of which is specifically permitted in writing by the War Production Board.

(ii) Which have been produced or fabricated before February 25, 1943.

(iii) Which before such date have been processed in such manner and to such extent that processing to conform to such provisions would be impracticable.

(2) The provisions of paragraphs (c) and (d) shall not prohibit:

(i) Waiver by the purchaser or procuring agency of any of the inspection and test requirements of the specifications prescribed in paragraph (c).

(ii) Delivery or acceptance of axles and forgings which because of errors in manufacture do not conform to the requirements of paragraph (c) providing such requirements are waived by the purchaser or procuring agency.

(3) The provisions of paragraphs (b) and (c) shall not apply to machining operations performed in the purchasers' shops.

(4) The provisions of paragraph (b) (2) shall not prevent the production, fabrication, delivery, or acceptance of railroad passenger car and tender friction bearing axles in other sizes and dimensions for repairs or replacements to railroad passenger cars and tenders built prior to February 25, 1943, provided the purchaser endorses on the purchase order a statement signed by an authorized official, either manually or as provided in Priorities Regulation No. 7, substantially as follows:

As permitted by Schedule 5 to Limitation Order L-211, the axles covered by this order are to be used for repairs or replacements to railroad passenger cars or tenders built prior to February 25, 1943.

Name of Purchaser Signature of Authorized Official

Title

Such statement shall constitute a representation to the seller and to the War Production Board, and may be relied on by the seller unless he knows or has reason to believe it to be false.

(f) *Records.* Each person owning or possessing axles and forgings excepted by the provisions of paragraph (e) shall retain records of such material available for inspection by duly authorized representatives of the War Production Board.

Issued this 19th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

No. 165—2

NOTE: Lists 1 and 2 amended August 19, 1943.

LIST 1

AXLES

Service, Condition and Minimum Tensile Strength	Specification Designation and Grade	Specification Title
TRANSIT SERVICE		
Annealed: 80,000 psi.....	ASTM-A236-42, Class D.....	Carbon-Steel Forgings for Locomotives and Cars, as amended by Emergency Alternate Provisions EA-A236a adopted May 8, 1943.
Quenched and Tempered: 90,000; 85,000; 82,500 psi.....	ASTM-A236-42, Class G.....	Carbon-Steel Forgings for Locomotives and Cars, as amended by Emergency Alternate Provisions EA-A236a adopted May 8, 1943.
RAILROAD FREIGHT CAR SERVICE		
As Forged (Nominal diameter 6½ inches or less): No Specified Tensile Strength.....	AAR-E-M-101-42, Grade A.....	Axles, Carbon Steel, For Cars and Locomotive Tenders, adopted August 19, 1942.
No Specified Tensile Strength.....	ASTM-A21-36.....	Carbon-Steel Axles for Cars and Tenders, as amended by Emergency Alternate Provision EA-A21 adopted October 5, 1942.
Normalized and Tempered (Nominal diameter over 6½ inches): 88,000 psi.....	AAR-E-M-101-42, Grade C.....	Axles, Carbon Steel, For Cars and Locomotive Tenders, adopted August 19, 1942.
RAILROAD PASSENGER CAR, TENDER AND SIMILAR SERVICE		
As Forged: No Specified Tensile Strength.....	AAR-E-M-101-42, Grade A.....	Axles, Carbon Steel for Cars and Locomotive Tenders, adopted August 19, 1942.
Normalized and Tempered: 88,000 psi.....	AAR-E-M-101-42, Grade C.....	Axles, Carbon Steel, For Cars and Locomotive Tenders, adopted August 19, 1942.
85,000; 83,000 psi.....	ASTM-A236-42, Class E.....	Carbon-Steel Forgings for Locomotives and Cars, as amended by Emergency Alternate Provisions EA-A236a, adopted May 8, 1943.
LOCOMOTIVE SERVICE		
Normalized and Tempered: 88,000; 86,000; 84,000 psi.....	AAR-E-M-104-42, Class A.....	Normalized and Tempered Steel Forgings, adopted April 16, 1942.
88,000; 86,000; 84,000 psi.....	ASTM-A236-42, Class F.....	Carbon-Steel Forgings for Locomotives and Cars, as amended by Emergency Alternate Provisions EA-A236a, adopted May 8, 1943.
Quenched and Tempered: 90,000; 85,000; 82,500 psi.....	ASTM-A236-42, Class G.....	Carbon-Steel Forgings for Locomotives and Cars, as amended by Emergency Alternate Provisions EA-A236a, adopted May 8, 1943.
115,000; 105,000; 100,000 psi.....	ASTM-A236-42, Class H.....	
Alloy Steel, Normalized and Tempered: 80,000 psi.....	ASTM-A238-42, Class A.....	Alloy-Steel Forgings for Locomotives and Cars, as amended by Emergency Alternate Provisions EA-A238; adopted October 5, 1942.
90,000; 88,000 psi.....	ASTM-A238-42, Class B.....	
95,000; 93,000; 91,000 psi.....	ASTM-A238-42, Class C.....	
Alloy Steel, Normalized, Quenched, and Tempered: 95,000; 90,000; 85,000 psi.....	ASTM-A238-42, Class D.....	Alloy-steel Forgings for Locomotives and Cars, as amended by Emergency Alternate Provisions EA-A238, adopted October 5, 1942.
105,000; 100,000; 95,000 psi.....	ASTM-A238-42, Class E.....	
125,000; 115,000; 110,000 psi.....	ASTM-A238-42, Class F.....	

LIST 2

FORGINGS OTHER THAN AXLES, WHEELS, OR TIRES

Condition and Minimum Tensile Strength	Specification Designation and Grade	Specification Title
As Forged: No Specified Tensile Strength.....	AAR-E-M-102-42, Grade 1-2.....	Forgings, Carbon Steel, Annealed and Unannealed, adopted August 19, 1942. Carbon-Steel Forgings for Locomotives and Cars, as amended by Emergency Alternate Provisions EA-A236a, adopted May 8, 1943.
No Specified Tensile Strength.....	ASTM-A236-42, Class A.....	
Annealed: 80,000 psi.....	AAR-E-M-102-42, Grade 3.....	Forgings, Carbon Steel, Annealed and Unannealed, adopted August 19, 1942. Carbon-Steel Forgings for Locomotives and Cars, as amended by Emergency Alternate Provisions EA-A236a, adopted May 8, 1943.
80,000 psi.....	ASTM-A236-42, Class D.....	
Normalized and Tempered: 88,000; 86,000; 84,000 psi.....	AAR-E-M-104-42, Class A.....	Normalized and Tempered Steel Forgings, adopted April 16, 1942. Carbon-Steel Forgings for Locomotives and Cars, as amended by Emergency Alternate Provisions EA-A236a, adopted May 8, 1943.
88,000; 86,000; 84,000 psi.....	ASTM-A236-42, Class F.....	

LIST 2—Continued

FORGINGS OTHER THAN AXLES, WHEELS, OR TIRES—continued

Condition and Minimum Tensile Strength	Specification Designation and Grade	Specification Title
Quenched and Tempered: 90,000; 85,000; 82,500 psi..... 115,000; 105,000; 100,000 psi..... 130,000; 115,000; 110,000 psi.....	ASTM-A236-42, Class G..... ASTM-A236-42, Class H..... ASTM-A236-42, Class I.....	{Carbon-Steel Forgings for Locomotives and Cars, as amended by Emergency Alternate Provisions EA-A236a, adopted May 8, 1943.
Alloy Steel, Normalized and Tempered: 80,000 psi..... 90,000; 85,000 psi..... 95,000; 93,000; 91,000 psi.....	ASTM-A238-42, Class A..... ASTM-A238-42, Class B..... ASTM-A238-42, Class C.....	{Alloy-Steel Forgings for Locomotives and Cars, as amended by Emergency Alternate Provisions EA-A238, adopted October 5, 1942.
Alloy Steel, Normalized, Quenched, and Tempered: 95,000; 90,000; 85,000 psi..... 105,000; 100,000; 95,000 psi..... 125,000; 115,000; 110,000 psi.....	ASTM-A238-42, Class D..... ASTM-A238-42, Class E..... ASTM-A238-42, Class F.....	{Alloy-Steel Forgings for Locomotives and Cars, as amended by Emergency Alternate Provisions EA-A238, adopted October 5, 1942.

NOTE.—Lists 1 and 2-AAR=Association of American Railroads, Manual of Standard and Recommended Practice.

ASTM=American Society for Testing Materials, Standard Specifications.

[F. R. Doc. 43-13532; Filed, August 19, 1943; 10:43 a. m.]

Chapter XI—Office of Price Administration

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 53, Amdt. 1]

FATS AND OILS: SOAPSTOCKS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

1. Section 15.1 is amended to read as follows:

SEC. 15.1 *Maximum prices of raw soapstocks.* The maximum prices of the following raw soapstocks, delivered in tank cars or tank wagons, shall be the following prices:

RAW SOAPSTOCKS—BASIS 50% T. F. A.

[Cents per pound]

	New York	Chicago & Cincinnati	Los Angeles & San Francisco
Cottonseed foots.....	3.625	3.50	3.50
Corn foots.....	3.50	3.375	3.375
Soybean foots.....	3.50	3.375	3.375
Peanut foots.....	3.875	3.75	3.75

(a) Where any of the above soapstocks are delivered to other destinations, the maximum price shall be the price set forth above for the city nearest the point to which the soapstock is delivered, plus or minus the usual or normal differential that prevailed prior to price control between the point to which the soapstock is delivered and the nearest city named in the above schedule.

(b) The usual or normal differentials for grade, above or below the listed grades, shall continue to apply.

2. Section 15.2 is amended to read as follows:

SEC. 15.2 *Maximum prices of recovered or acidulated soapstocks.* The maximum prices of the following recovered or acidulated soapstocks, delivered in tank cars or tank wagons, shall be the following prices:

*Copies may be obtained from the Office of Price Administration.

RAW OR ACIDULATED SOAPSTOCKS

[Cents per pound]

	New York	Chicago & Cincinnati	Los Angeles & San Francisco
Acidulated cottonseed foots (black grease), basis 95% T. F. A.....	7.375	7.25	7.25
Corn oil, basis 95% T. F. A.....	7.25	7.00	7.00
Soybean oil, basis 95% T. F. A.....	7.25	7.00	7.00
Peanut oil, basis 95% T. F. A.....	8.00	7.75	7.75
Coconut oil, 98% saponifiable.....	10.125	10.125	10.125

(a) Where any of the above soapstocks are delivered to other destinations, the maximum price shall be the price set forth above for the city nearest the point to which the soapstock is delivered, plus or minus the usual or normal differential that prevailed prior to price control between the point to which the soapstock is delivered and the nearest city named in the above schedule.

(b) The usual or normal differentials for grade, above or below the listed grades, shall continue to apply.

(c) The usual or normal differential for type of container shall continue to apply.

This amendment shall become effective August 24, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 18th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13516; Filed, August 18, 1943; 4:16 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 53, Amdt. 2]

FATS AND OILS: LARD

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 11.8 (c) is amended to read as follows:

(c) *Community of sale.* (1) Except as otherwise provided in sections 11.8 (c) (2) and 11.8 (c) (3), "community of sale" means that point at which the purchaser from the processor resells the lard so purchased, regardless of the point at which actual delivery of the lard from the processor to the purchaser takes place.

(2) Where the purchaser of the lard is the owner of four or more retail stores at which the lard ultimately will be resold by him, and has the lard delivered by the seller to a warehouse for storage until he (the purchaser) reships it to his retail stores for resale, or to another warehouse for storage and subsequent reshipment to his retail stores for resale, and is unable to determine, at the time the lard is delivered by the seller to such warehouse, the particular retail stores from which the lard will be resold by him, then, in such case, and only in such case, "community of sale" means the place where the warehouse to which the lard is delivered by the seller is located.

(3) Where lard is sold for use in the manufacture of an inedible product, then in such case, and only in such case, "community of sale" is the place where is located the buyer's plant in which the lard is used in the manufacture of such inedible product.

This amendment shall become effective August 24, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 18th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13517; Filed, August 18, 1943; 4:17 p. m.]

PART 1381—SOFTWOOD LUMBER

[Rev. MPR 26, Amdt. 2]

DOUGLAS FIR AND OTHER WEST COAST LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 26 is amended in the following respects:

1. In section 7 (d), the word "three" is deleted, subparagraph (2) is deleted, and subparagraph (3) is renumbered "(2)".

2. Section 9 is amended by substituting the phrase "price F. A. S. vessel for lumber to be exported when", in lieu of the phrase "export prices for lumber".

3. In section 16, paragraph (b) (1) is amended by substituting the word "September" in lieu of "August", and in paragraph (d) the last complete sentence is amended to read—"It is permissible to quote with specified higher grades as developed, but when the lumber is shipped, the quantities falling in each grade must be tallied separately on a board foot basis, separately identified by

* 8 F.R. 7570, 9519.

grade, and separately invoiced at prices not in excess of ceiling prices for the respective grades."

4. In section 23, Table 1, the sub-title is amended to read "No. 1 green, rough or surfaced A. L. S."

5. Section 23, Table 1, footnote 3 is amended by deleting the period after "width and grade" and adding the phrase "for 5/8" shims and deduct \$9.00 per MBM for 1/2" shims".

6. Section 23, Table 1, footnotes 4 and 5 are renumbered 5 and 6, respectively, and footnote 4 is added to read as follows:

4. Barge planking and decking, paragraph 285: add \$10.00 per MBM to the select merchantable price.

7. Section 23, Table 1, footnote 6 is deleted.

8. Section 23, Table 1, footnote 14 is amended by inserting a period after "6/4 boards"; by deleting the phrase "but not on rough boards."; and by adding a paragraph to read as follows:

Rough boards. The Portland, Oregon, office of the Office of Price Administration may upon application grant permission to make additions of \$2.50 per MBM in the case of Select Merchantable, No. 1, and No. 2, or \$1.00 per MBM on No. 3, on a sale of rough boards if the following conditions are met:

(1) The War Production Board certifies that the mill producing the rough boards is operating in compliance with WPB Circular No. 31;

(2) The sale is on allocation by the Central Procurement Agency; and

(3) The Central Procurement Agency certifies that rough boards are required and that surfaced boards cannot be used for the purposes contemplated under the allocation.

9. Section 23, Table 2, footnote 1, the figure "\$20.00" is amended to read \$15.00.

10. Section 23, Table 2, footnote 13 (a) is added to read as follows:

13 (a) Barge framing, paragraph 284, same price as Select structural. Barge flanking and decking, paragraph 285, add \$10.00 per MBM to the price of Select structural in the same size.

11. Section 23, Table 2, footnote 14 is amended to read as follows:

14. Omitting length in R/L loading: omitting 6', or 6' and 8', or 6' and 8' and 10', add to the R/L price of same size and grade \$0.50 per MBM. Omitting 12' and shorter use specified length price.

12. Section 23, Table 2, footnote 23 is amended to read as follows:

23. For S1S, S1E, S2S, S2E, S1S1E, S2S1E, or S1S2E A. L. S. add \$1.00 per M' MBM. Addition limited to orders specifying one grade only.

13. Section 23, Table 3, footnote 4A is added to read as follows:

4A. No. 4 Rough or surfaced, dry or green, AW-AL \$14.50 per MBM. Use green weights.

14. Section 23, Table 3, footnote 5 is amended by inserting immediately after the first colon the phrase "(Applies to all grades)", and by inserting immediately after the second colon the phrase "(Applies to No. 1 and lower grades)".

15. Section 23, Table 3, in footnote 21 the figure "\$20.00" is amended to read "\$10.00".

16. Section 23, Table 3, in footnote 23, the phrase "the No. 1 of the same size" is amended to read "the price of No. 2 of the same size".

17. Section 23, Table 4, footnote 4 is amended by inserting immediately after the first colon the phrase "(Applies to all grades)", and by inserting immediately after the second colon the phrase "(Applies to No. 1 and lower grades)".

18. Section 23, Table 4, in footnote 12, the phrase "larger than 16 x 16" is amended to read "if thicker than 16" or wider than 20"."

19. Section 23, Table 10, in footnote 9, a period is inserted after the figure "\$3.00" and the words "per M" are deleted.

20. Section 23, Table 11, in footnote 6, the phrase "odd lengths:" is amended to read "odd lengths under 40'."

21. Section 23, Table 11, footnote 23 is deleted.

22. Section 23, Table 12, in footnote 1, the phrase "6" thickness" is amended to read "5" and 6" thickness", and the figure "\$3.00" is corrected to read "30.00".

23. Section 23, Table 12, in footnote 4, the items "5' and shorter" and "7' and shorter" are deleted, and in the first column of figures the figures "\$0.50" and "1.00" are deleted and the figures "2.00", "3.00", and "4.00" are amended to read "1.00", "1.50", and "2.00", respectively.

24. Section 23, Table 12, footnote 23 is deleted.

25. Section 23, Table 13, in the sub-heading of the table, the figure "925" is corrected to read "295".

26. Section 23, Table 16, in the vertical column headed "Widths", in each of the items "Odd and Fr. Widths 3 1/4" to 5 3/4" ", the figure "3 1/4" " is amended to read "3' ", and in each of the items "Odd and Fr. Widths 3' to 5 3/4" " the figure "3' " is amended to read "3 1/4" ".

27. Section 23, Table 16, footnote 5 is amended to read as follows:

5. Surfacing S1S, S1E, S2S, S2E, S1S1E, S1S2E, S2S1E, or S4S, add \$2.00 per M.

28. Section 23, Table 16, footnote 9 is amended to read as follows:

9. Sizes thicker than listed use 12" price.

29. Section 23, Table 26, in the sub-heading of the table, the word "Green" is amended to read "Dry".

30. In Section 24 paragraphs (a) and (b) are amended to read as follows:

(a) For boards and lath: Same as Douglas fir prices.

(b) For all other items, unless specifically provided for: deduct \$1.00 per MBM from maximum price for corresponding item in Douglas fir (section 23).

31. Section 25, Note 1 is amended to read as follows:

1. Additions for special provisions permitted by this Section 25 may be made only when the special provisions are not included in the desired grade and are specifically requested by the buyer. When additions are made for paragraphs 300, 301, 302, 303, and 305, the mill must furnish and attach to the original invoice, with copy retained in each seller's files, an official certificate of grade by the W. C. L. A., P. L. I. B., or any agency approved by the Portland office of the Office of Price Administration. This rule applies regardless of quantity, except that orders for less than 10,000 board feet for truck shipment direct to the job may be covered by mill certificate only.

When the buyer specifies inspection by his own or any other agency (which agency must have been approved by the Portland office), the purchaser may pay the cost of inspection without adjustment of the seller's price provided the purchaser shows that he has customarily borne the cost of inspection since October 1, 1941.

32. Section 25, Note III, in the parenthetical expression, the figure "288" is deleted.

33. In section 25, the sub-caption "Heartwood (specified in no grade lower than #1)" is amended to read "Heartwood (when specified in grades of No. 1 and better, 3' and thicker)".

34. Section 25, Note XI, in footnote 2, the phrase "comparable sizes" is amended to read "larger and smaller sizes".

35. In section 25, Note XVIII is amended to read as follows:

XVIII. For bundling: Add \$1.00 per M to Tables 1 and 2 only.

36. Article VII—Tables of Estimated Weights—in the table covering "Fir corn cribbing and beveled well curbing", the column heading "Weight per M' BM dry lbs. green or S2E" is amended by substituting the word "rough" in lieu of "green".

37. In Article VII, the table heading "Fir factory lumber" is amended to read "Fir factory and box lumber".

38. Article VII, in the table covering "Fir pickets", the column heading "Green per M pieces" is amended to read "Dry per M pieces".

39. Article VII, in the table covering "Fir boards and shiplap", the last item is amended and two items are added, to read as follows:

1" S1S or S2S.....	2 3/4"	2,300	2,600
5/4" S1S or S2S.....	1 1/8"	2,500	2,800
6/4" S1S or S2S.....	1 1/8"	2,600	2,900

40. Article VII, in the table covering "Fir—Dimension, flank and small timbers", the column headings "CM and S1S or S2S dry" and "Standard green" are deleted, and a new heading as for a double column is inserted to read as follows:

CM & S1S OR S2S STANDARD			
		Dry	Green
		-----	-----
		(1900)	(2150)

This amendment shall become effective August 24, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13518; Filed, August 18, 1943; 4:15 p. m.]

PART 1381—SOFTWOOD LUMBER

[Rev. MPR 161, Amdt. 7]

WEST COAST LOGS

A statement of the considerations involved in the issuance of this amend-

18 F.R. 1117, 2992, 5678, 6619, 9381, 10660.

ment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 161 is amended in the following respects:

1. The preamble to Revised Maximum Price Regulation No. 161 is amended by the addition of the following sentence:

Insofar as this regulation uses specifications and standards which were not, prior to such use, in general use in the trade or industry affected, or insofar as their use was not lawfully required by another Government agency, the Administrator has determined, with respect to such standardization, that no practicable alternative exists for securing effective price control with respect to the commodities subject to this regulation.

2. Section 1381.153, paragraph (c), is amended to read as follows:

(c) *Scaling expense.* The entire cost of scaling and grading is included in the maximum prices and may not be added to those prices; except that by agreement between the buyer and seller, the buyer may pay one half of the scaling fee above the ceiling price. The maximum prices for scaling fees in the area covered by this regulation are set forth in § 1499.666, paragraph (c) of Supplementary Services Regulation No. 16² to Maximum Price Regulation No. 165.

3. Section 1381.154, Table A is amended to read as follows:

A. DOUGLAS FIR

	Puget Sound district	Willapa Bay-Grays Harbor district	Columbia River district	Southern Oregon-Tillamook district
Pontoon logs.....	\$45.00	\$45.00	\$45.00	\$43.00
No. 1 Peeler.....	40.00	40.00	38.50	36.50
No. 2 Peeler.....	35.00	33.00	32.50	30.50
No. 3 Peeler.....	27.00	25.00	25.00	23.00
No. 1 sawmill log.....	31.00	29.00	29.00	27.00
No. 2 sawmill log old growth yellow fir.....	23.00	23.00	23.00	21.00
No. 2 sawmill log, all other types, including second growth.....	22.00	22.00	22.00	20.00
No. 3 sawmill log old growth yellow fir.....	18.00	18.00	18.00	16.00
No. 3 sawmill log, all other types, including second growth.....	17.00	17.00	17.00	15.00
Camp-run, ungraded.....	17.00	17.00	17.00	15.00

4. Section 1381.154, Table B, is amended to read as follows:

(B) WESTERN RED CEDAR

	Puget Sound district	Willapa Bay-Grays Harbor district	Columbia River district	Southern Oregon-Tillamook district
Lumber Grade.....	\$36.00	\$33.00	\$33.00	\$31.00
Shingle Grade.....	21.00	21.00	21.00	19.00
Camp Run (ungraded).....	21.00	21.00	21.00	19.00

5. Section 1381.155 is amended by the addition of a new paragraph (d) as follows:

*Copies may be obtained from the Office of Price Administration.

² 8 F.R. 8750, 9386, 10433, 10670.

(d) *Cull logs.* Any logs not specifically priced in the above tables shall be "culled out", and the maximum price at which they may be sold or purchased shall be \$1.00 per thousand feet, log scale.*

6. Section 1381.154, Table H is deleted and a new Table H added as follows:

(H) WOOD LOGS

	Puget Sound district	Willapa Bay-Grays Harbor district	Columbia River district	Southern Oregon-Tillamook district
No. 1 Douglas Fir wood log.....	\$16.00	\$16.00	\$16.00	\$14.00
No. 2 Douglas Fir wood log.....	11.00	11.00	11.00	9.00
Wood logs, all other species.....	4.00	4.00	4.00	3.00

7. Section 1381.155, paragraph (c), is amended to read as follows:

(c) *Short lengths.* For blocks of peeler logs in lengths of less than 16 feet, which otherwise meet the requirements of the standard peeler grades, deduct \$5.00 per 1,000 feet, log scale, from the maximum prices in the price tables of § 1381.154 above.

8. Section 1381.157a is revoked.

9. Section 1381.158 is amended to read as follows:

§ 1381.158 *Grading and scaling.* (a) On and after August 24, 1943, no one may buy or sell West Coast logs unless the logs have been graded and scaled in accordance with the following requirements:

(1) All West Coast logs must be graded and scaled in accordance with the rules set forth in Appendix A, and must be so designated on the scaling certificate.

(2) No person may grade or scale logs in any transaction if he is an employee of either the buyer or seller or if he has any financial interest in the transaction other than his fee as a scaler. In any case where the application of this rule will result in hardship to any buyer or seller, the buyer and seller may join in an application to the Lumber Branch, Office of Price Administration, Washington, D. C., for permission to have their logs graded and scaled by an employee or other designated person not otherwise eligible under the terms of this paragraph. The Lumber Branch is authorized to make such designation by letter or telegram.

(3) All west coast logs must be graded and scaled by grading and scaling bureaus or individual graders and scalers approved by order of the Office of Price Administration. Any authorizations previously issued by the Portland, Oregon, District Office of the Office of Price Administration are cancelled 30 days from the date specified in the preceding paragraph (a).

(4) Any person desiring to be approved as a scaler and grader by the Office of Price Administration shall file application with the Lumber Branch, Office of Price Administration, Washington, D. C.

10. Appendix A is added as follows:

Appendix A—Grading and scaling rules. All west coast logs must be graded and scaled in accordance with the following rules:

(a) *Grading rules.* The following rules set forth the minimum requirements for each grade. In grading logs the scale shall not be deducted in content in order to raise the grade; this means that if a log has a defect which is not permissible in a given grade, it may not be placed in that grade by merely deducting the defect from the scale. Logs may be designated as "camp run" where the entire production cut from a particular operation is sold without any prior selection (except wood logs or cull logs) either at the spar-tree, booming and rafting point, or elsewhere. If any graded logs such as peelers, have been segregated from the raft or particular lot of logs, the entire lot must be sold on grade.

DOUGLAS FIR PONTON LOGS

Douglas Fir ponton logs shall be of No. 1 and No. 2 peeler and No. 1 sawmill types which in the judgment of a certified scaler will develop 50 percent of their net scaled contents in deep cuttings of close, dense, clear material.

The ponton log will include yellow fir and old-growth red fir logs, provided that they meet the following requirements:

(1) Ponton logs shall have a minimum diameter of 30 inches inside the bark at the top or scaling end, and a minimum length of 16 feet.

(2) The slope of grain shall not exceed 1 inch in 15 inches as determined by measurements in a space of 6 lineal feet equidistant from each end of the log.

(3) The rate of growth shall be not less than 8 annual rings per inch in the clear portion of the log at the scaling end. In addition, there shall be an average of one-third or more summerwood with a distinct contrast in color between summerwood and springwood.

(4) Ponton logs shall not include light weight (high floating) overmature logs of soft, brashy or corky wood, and shall be free of pitch streaks and numerous pitch pockets.

NOTE: This grade description applies only on logs of the above qualifications which are actually allocated by the Western Log and Lumber Administrator of the War Production Board.

DOUGLAS FIR AND SPRUCE SAWMILL LOGS

No. 1 Douglas Fir and spruce sawmill logs. No. 1 Douglas fir and spruce sawmill logs shall be logs which are suitable for the manufacture of lumber in the grades of No. 2 Clear and Better or B and Better to an amount of not less than 50 percent of the scaled contents, and shall not be less than 16 feet in gross length (after allowance for trim) and shall not be less than 30 inches in gross diameter inside the bark at the small end.

No. 1 logs shall be old growth logs and shall contain not less than eight annual rings to the inch in any part of the outer portion of the log equal to one-half of the scale contents, ring count and measurement to be taken at the top end of the log, and shall be straight grained to the extent of a variation for a space of 6 lineal feet equidistant from each end of the log of not more than 1 inch per foot in logs to and including 35 inches in diameter, 1½ inches per foot in logs 36 inches to 50 inches in diameter, 2 inches per foot in logs 51 inches to 60 inches in diameter, 2½ inches per foot in logs 61 inches and over.

Rings, rot, or any other defects that are deducted in the scale are permitted in a No. 1 log providing their size and location do not prevent the log producing the required amount of No. 2 Clear and Better or B and Better lumber. Visible pitch-pockets, rings and knots must be located so that they do not prevent the production of the required amount of No. 2 Clear and Better or B and Better lumber.

No. 2 Douglas Fir and spruce sawmill logs. No. 2 Douglas fir and spruce sawmill logs shall not be less than 12 feet in length and not less than 16 inches in diameter if Spruce, or not less than 12 inches in diameter if Douglas fir, below the grade of a No. 1 log but which will be suitable in grade:

(a) For the manufacture of lumber in the grades of at least 65 percent No. 1 Common or Better lumber, or

(b) For the manufacture of lumber in the grades of 25 percent No. 2 Clear and Better or B and Better or an equivalent value in combination of grades.

No. 3 Douglas Fir sawmill logs. No. 3 Douglas fir sawmill logs shall be not less than 12 feet in length, having defects which prevent their grading No. 2, but which are suitable for the manufacture of not less than 50 percent of the net scaled contents of the No. 2 Common and Better grades of lumber. Logs in this class shall be scaled down to and including an 8 inch diameter.

Logs having excessive slope of grain and/or logs having an excessive number of visible pitch-pockets shall be included in this grade.

No. 3 Spruce sawmill logs. No. 3 Spruce sawmill logs shall be not less than 12 feet in length, having defects which prevent their grading as No. 2 logs, but which are suitable principally for the manufacture of lumber grades of No. 2 and No. 3 common or box cutting, minimum diameter—10 inches.

Logs having excessive slope of grain and/or logs having an excessive number of visible pitch-pockets shall be included in this grade.

No. 1 Douglas Fir wood log. No. 1 Fir wood logs shall meet all the qualifications of a No. 1 sawmill log except that such logs may contain solid stain or worm holes.

No. 2 Douglas Fir wood logs. No. 2 Fir wood logs shall be such logs that do not meet the requirements of the above grades, but which have a net scale merchantable content after deductions for defects of at least 33½ percent of the gross scale.

DOUGLAS FIR PEELER LOGS

No. 1 Douglas Fir peeler logs. No. 1 Douglas fir peeler logs shall be of Old Growth Fir and meeting the qualifications of a No. 1 sawmill log and must be suitable for the manufacture of clear, uniform colored veneer or plywood stock to an amount of not less than 50 percent of the scaled content, selected for rotary cutting, and which do not contain defects that will prevent their being held and turned in a lathe. No. 1 peeler logs shall be at least 90 percent surface clear.

No. 2 Douglas Fir peeler logs. No. 2 Douglas fir peeler logs shall be good quality No. 2 Douglas fir sawmill logs suitable for the manufacture of clear uniform colored veneer or plywood stock to an amount of not less than 35 percent of the scaled content, selected for rotary cutting which do not contain defects that will prevent their being held or turned in a lathe. Slope of grain shall not exceed three inches per lineal foot.

No. 2 peeler logs shall be at least 30 inches in gross diameter inside the bark at the small end and 16 feet or more in length.

No. 2 peeler logs shall contain not less than eight annual growth rings to the inch in the outer portion of the log, equal to 50 percent of the scaled content; all ring

count and measurement shall be taken at the top end of the log.

Visible pitch-pockets which do not prevent the production of the required amount of clear face stock are permitted in No. 2 Douglas fir peeler logs. A short piece of ring, not to exceed one-half of a full ring, is permitted in each end of the log, provided that any heart check or spangles are confined to the heart portion of the log.

No. 3 Douglas Fir peeler logs. No. 3 Douglas fir peeler logs shall be good quality No. 2 sawmill logs suitable for the manufacture of veneer or plywood stock to be used for center core, cross core and backs, and shall not contain defects that will prevent them being held and turned in a lathe. Minimum length 16 feet, and minimum diameter 24 inches.

Douglas Fir peeler blocks. When scaling peeler blocks under 16 feet in length the same scaling and grading rules shall be used as when determining the grade and content of a peeler log, but they shall be graded as No. 1, No. 2, or No. 3 peeler blocks.

AIRCRAFT GRADES—NOBLE FIR AND HEMLOCK

Aircraft grade-noble fir. Aircraft grade noble fir means a log which is selected from a suitable for peeling, No. 1, or No. 2 grade of noble fir log, and which:

(a) Is not less than 26 inches top diameter and not less than 16 feet long;

(b) Is straight grained so that the majority of the clear lumber can be produced with a slope of grain not greater than one in fifteen;

(c) If defects for which a scale deduction is made are present, such defects are permitted provided the size and location thereof will not prevent the entire log from producing 50 percent No. 2 clear and better or B and better lumber;

(d) Has reasonably uniform annual rings, not fewer than eight to the inch and within the clear portion of the log; and

(e) Is free of deep bark seams or other serious defects within the clear portion of the log.

Aircraft grade-hemlock. Aircraft grade hemlock log means a log which is selected from a suitable for peeling or No. 1 or 2 grade of hemlock log and which:

(a) Is medium to light in weight;

(b) Is not less than 26 inches top diameter and not less than 12 feet long;

(c) Is of straight-grain so that the majority of the clear lumber can be produced with a slope of grain not greater than one in fifteen;

(d) Is free of deep bark seams or other serious defects within the clear portion of the log;

(e) Has reasonably uniform annual rings, not fewer than eight to the inch within the clear portion of the log;

(f) Is of a character which will produce at least 50 percent No. 2 clear and better, or B and better clear lumber.

HEMLOCK LOGS

Peeler grade Hemlock. Peeler grade hemlock logs shall be suitable for rotary cutting and shall be capable of producing not less than 50 percent No. 2 clear and better lumber, of uniform quality, and not less than 16 feet in length and 24 inches in diameter.

No. 1 Hemlock. No. 1 hemlock logs shall be logs of good uniform quality not less than 16 feet in length and 24 inches in diameter. No. 1 logs must be capable of producing not less than 35 percent of the gross content No. 2 Clear and Better lumber.

No. 2 Hemlock. No. 2 hemlock logs shall be logs not less than 12 feet in length and not less than 14 inches in diameter. Logs in this grade must produce not less than 65 percent of the gross contents in No. 1 common lumber.

No. 3 Hemlock. No. 3 hemlock logs shall be logs not less than 12 feet in length and not less than 8 inches in diameter, having defects which prevent them grading No. 2 grade, but which are suitable for the manufacture of not less than 50 percent of the gross contents in the common grades of lumber.

OTHER SPECIES

The foregoing grading rules for peeler and sawmill hemlock shall apply to White Fir, Silver Fir, Noble Fir, and other allied species; with the exception of Aircraft Noble Fir grade.

CEDAR LOGS

Lumber Grade. Lumber Grade Cedar logs shall be such logs 16 feet and over in gross length, 28 inches and over in diameter which are suitable for the manufacture of No. 2 Clear and Better lumber to an amount of not less than 50 percent of the scaled contents. Slabs or parts of large logs, the greater part of which is suitable for the production of one inch No. 2 Clear and Better lumber, can be put into this grade down to and including pieces 14 inches thick provided that the scale content of each slab or part is more than 700 board feet.

Shingle Grade. Shingle grade cedar logs shall be such logs or parts of logs that do not meet the requirements of the Lumber Cedar log grades, but will produce No. 2 twelve inch clear or better shingles or common cedar lumber. For shingle cedar logs having less than 50% of clear cuttings, 24 inches between knots lengthwise of log and less than 10 inches crosswise of log on any quadrant, a reduction in scale shall be made of one inch in diameter for each quadrant so affected if the knots are two inches or less in diameter, and a reduction in scale of two inches in diameter for each quadrant so affected if knots are larger than two inches in diameter.

Any logs having knots over two inches in diameter on more than one quadrant but not on the full two quadrants shall be cut three inches in diameter.

WOOD LOGS—ALL SPECIES

Wood logs, except No. 1 Douglas Fir Wood logs, shall be logs which do not meet requirements of the above grades but which have a net scale merchantable content after deductions for defects of at least 33½ percent of the gross scale. Any logs failing to meet the minimum requirements for a wood log must be culled out.

LONG LOG SCALING AND GRADING

All species—excepting cedar. Long logs are defined as being logs which are 42 feet and over in length.

All long logs, whatever the species, should be scaled to grade, the grade requirement being the same as for short logs. The scale on these logs should be made by using the top diameter for the top log only; second, third and fourth logs should be scaled by adding to the top diameter an allowance of 1 inch for taper in each 10 feet of length.

Logs from 42 to 80 feet inclusive in length shall be scaled as two logs of as nearly equal length in even feet as possible and in case the two logs are not exactly even length in even feet, the longer of the two shall carry the smaller diameter.

Logs from 82 feet to 120 feet inclusive shall be scaled in the same manner except that they shall be scaled as three logs.

Logs in excess of 120 feet shall be scaled in the same manner except that they shall be scaled as four or more logs, it being the intent of having the maximum length of any one log 40 feet.

The scaling or grading of any segment of a long log shall be based entirely on the merits of the segment under consideration.

GENERAL RULES—PEELER LOGS

Slope of grain:

All grades: As defined in rule.

Pitch-pockets and hard pitch:

No. 1 peeler: Will allow some well-scattered pitch-pockets and/or hard pitch streaks, if in the judgment of the scaler, the number and character will not prevent the recovery of the required amount of No. 2 Clear or B Clear and/or Better.

No. 2 peeler: Permitted to an extent that they do not prevent the production of the required amount of clear face stock.

Core: Will allow to an amount not quite sufficient to justify de-grading to a No. 3 sawmill log.

Burls or knot clusters:

All grades: Permissible if so located that standard peeler blocks can be obtained on either side of defect.

Pitch rings:

All grades: Permissible if parts of rings are so located that the required peelable content can be obtained with a minimum of waste at the lathe. Complete rings allowable if located in sap area or within the heart area of the log.

Breaks:

All grades: Permissible if the defect can be eliminated by a normal deduction of up to $\frac{1}{2}$ of the log length.

Heart checks, cross checks, crow's foot, or flaky heart:

All grades: Permissible if not in conjunction with pitch-rings or breaks to a degree that makes the resulting peeler blocks unsuitable for turning.

Sound stain:

All grades: Permissible if veneer stock of the quality and amount required for that specific grade is obtainable from the log in question.

Heart off center:

All grades: Shall be a determining factor in grading peelable logs only when, in the judgment of the scaler, the heart off-center, in conjunction with other defects, renders the log impracticable for peeling.

GENERAL RULES—OTHER LOGS

Log diameters. Log diameters shall be measured inside the bark at the small end of the log with the scale stick held in the vertical position except in cases in which damage to the log, or knots, burls, depressions, etc., prevent taking a correct diameter measurement. In the latter cases, the diameter is to be taken in as nearly a vertical position as possible. The actual scale shall be in accordance with either the Spaulding Log Rule or the Revised Scribner Decimal C Log Rule.

Log lengths. To allow for trimming, the actual minimum lengths of each log shall exceed the stated length as follows:

	Inch trim
40 feet and under.....	8
42 feet to 50 feet.....	10
52 feet to 60 feet.....	12
62 feet to 70 feet.....	14
72 feet to 80 feet.....	16
82 feet to 90 feet.....	18
90 feet and over.....	20

Length measurement to be taken on the short side of the log.

For example, to meet a minimum length requirement of 16 feet, the log must measure not less than 16 feet 8 inches.

(b) **Scaling rules or instructions to scalers.** (1) The scaler must exercise independent judgment in fulfilling his duties. Neither the buyer nor seller may be present when the scaling is done.

(2) The log scaler's duties shall include a careful study of the natural defects of the different logs produced by the districts in which he works. A

scaler shall also note carefully any other defect, such as breaks or damage caused in the process of felling, bucking, or any other part of the logging operation. The ability to judge what a log will produce in the finished product, as to grade, also requires a general knowledge of the manufacture of lumber.

(3) Scalers shall spend sufficient time at the mills to compare their scaling with the results obtained in manufacturing the logs. For the purpose of identification, logs to be observed shall be marked in accordance with the scale bill before they are sawed.

(4) Each log shall be scaled individually upon its own merits. After careful examination of any log, if no waste or defect is found, such log shall be scaled at its full diameter inside the bark, and full length with necessary trim. When waste or defect is found in any log, a deduction in scale shall be made which will completely eliminate the waste.

(5) All deductions shall be made in inches in diameter and feet in length. When required original scale records shall show full and net measurements in diameter and length, and designate the type of defect by specified symbols. In grading logs the scale shall not be deducted in content in order to raise the grade. When scaling bleached logs, or logs covered with dirt, the spud on the scaling stick shall be used to chop into the end of the log to uncover any hidden defect. In measuring the diameter of a log, any fraction over the inch is to be dropped.

(6) A reduction in length shall be made for defects such as end brooming, breakage, crook, stump shake, dry rot, sweep, split, stump rot, pitch spangle, conk or other advanced decay.

(7) Reduction in diameter shall be made for defects, such as sap rot, cat face, roughness, season checks, pitch rings and heart checks.

(8) Any logs so rough that the side cut will not produce No. 2 Common or Better lumber shall have deduction in scale of a sufficient amount to eliminate the No. 3 Common lumber in squaring up the log. This rule is to be applied only to extremely rough logs, especially knotty tops, and does not imply deductions on sound tight knotted logs.

(9) Logs with sap rot, sap stain and surface weather checks shall show the gross and net diameters. The net diameter shall be taken inside the defects, and the log graded on the quality of the net volume scaled.

(10) Broken ends and bucking breaks shall be allowed for in the scale by measuring only such part of the log as is free from break, in even feet in length. Care must be taken to see that the scaled part of the log represents the actual part of the log suitable for the production of lumber. Deduction for broken logs shall be sufficient for the waste involved. Deduction for splits in falling which show in the butt, or large end, shall be made as follows:

In large logs, and in logs containing excessive taper, straight splits through the heart shall be eliminated by reductions from diameter in the same man-

ner as for heart checks. Reductions for badly split, or stump shot ends, are made by reductions in length of sufficient amount to eliminate the waste.

(11) Logs containing grub worms shall have the portion containing such defect eliminated from the scale, and the remaining portion shall be graded according to the class of lumber it will produce.

(12) A pitch ring in a log causes a loss in the amount of lumber produced according to its location. A general rule to be used as a basis for deductions for pitch rings is as follows:

A deduction of 1 inch from the diameter for each half ring or less visible in one end of the log only, and a deduction of 2 inches when visible in both ends. A deduction of 2 inches for a complete ring visible in one end of the log only, and a deduction of 4 inches when visible in both ends. The exceptions to this basic rule are as follows:

(i) A log containing a pitch ring 3 inches or less from the perimeter shall be scaled by taking the diameter inside the ring.

(ii) A deduction of 1 inch shall be made for a pitch ring located in the heart of the log, when in one end only, and a deduction of 2 inches when the ring extends through the log. Inner one-third the diameter of the log is to be considered as the heart area.

(iii) An open pitch ring located in the clear portion of the log where it causes the maximum amount of waste may, in the judgment of the scaler, receive an additional deduction of 1 inch when visible in one end only, and an additional deduction of 2 inches when such defect extends through the log.

(13) One inch is deducted for an open check in one end, or a straight close check showing in both ends. Two inches for cross checks, or double checks showing in one end, four inches if showing in both ends. Heart checks are often an indication of flaky heart. Deduction shall be made for waste caused thereby. For spangles, a cut in length shall be made in proportion to the amount of the log actually affected.

(14) In any No. 1 log where the maximum twist allowable prevails, the log shall be otherwise free from any other grade defects.

Rescales or check scales. If either the buyer or seller is dissatisfied with the scale or grade of any logs which have been scaled or graded, either party may call for a rescale. If the original scale was made by an Authorized Bureau, the request for rescale shall be made to that Bureau which shall notify in writing both the buyer and the seller of such request and the approximate date of such rescale which shall be made by the Chief Scaler of the Bureau. If the original scale was made by a person other than a Bureau scaler, the buyer and seller shall select another authorized scaler to perform the rescale; if they cannot agree on the selection of the rescaler, they may request the district office of the Office of Price Administration at Portland, Oregon, to select one from the authorized list. In either instance, the rescale shall be made without representation from

either the buyer or seller and the rescale shall be the final scale and grade for the particular lot of logs.

The cost of the rescale shall be determined by agreement between the buyer and seller in accordance with past custom. If an Authorized Bureau is involved in the rescale, the cost shall be borne in accordance with the usual practice of that Bureau.

11. Section 1381.159 is amended by the addition of a new paragraph (d) as follows:

(d) *Specific practices.* The following are among the specific practices prohibited:

(1) A buyer or seller attempting to influence in any way the judgment of the scaler.

This amendment shall become effective August 24, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 18th day August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13519; Filed, August 18, 1943;
4:16 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16, Amdt. 55]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 16 is amended in the following respects:

1. Section 1.3 (c) is amended by adding the words "or ration coupons" after the words "(OPA Form R-1201)" in the first sentence and by adding the words "or ration coupon" after the word "certificate" in the third sentence.

2. Section 9.2 (e) is amended to read as follows:

(e) *Industrial users.* Every "industrial user" who has, or has assigned to him, a quarterly period use of 2,000 pounds or more of foods covered by this order during any quarterly period from January 1, 1942 on, may open an account. If he has more than one "industrial user establishment" and they are registered together, he may open an account if the combined use at all those establishments is 2,000 pounds or more during any quarterly period. If he opens an account, he must either open one account for all, or a separate account for each or for any group of them, and all must have an account. If they are registered separately, he may open accounts only for those establishments which have a quarterly period use of 2,000 pounds or more.

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 6446, 6614, 6620, 6687, 6960, 6961, 7115, 7268, 7281, 7455, 7492, 8357, 8540, 8614, 8844, 8869, 9014, 9025, 9217, 9305, 9886, 10085, 10432, 10511, 10665, 10763.

He may open separate accounts for any one or more of those establishments without opening accounts for the others. However, he may not use the same account for more than one establishment. No other industrial user may open an account. Any industrial user who has opened a ration bank account and who is not entitled to have it under this Section, as amended, must close that account on or before November 1, 1943.

3. Section 9.4 (b) is amended by adding the following: "Ration coupons may be deposited at any time."

4. Section 10.4 (1) is added to read as follows:

(1) *Ration coupons.* A ration coupon may be accepted from a consumer at any time.

5. Section 10.5 (e) (4) is added to read as follows:

(4) *Ration coupons.* A ration coupon may be accepted at any time.

6. The title of Article XVI is amended to read as follows:

Article XVI—Issuance and Use of Certificates and Ration Coupons

7. Section 16.8 is added to read as follows:

SEC. 16.8 *How ration coupons are issued—(a) General.* Whenever a local Board, district or State office, or the Washington Office of the Office of Price Administration, or any other person, is authorized to issue one or more certificates to any person, it shall, unless otherwise directed by the Office of Price Administration, issue ration coupons instead, if he is not entitled to have a ration bank account. (Ration coupons may not be issued to a person who is entitled to have an account, even though he does not actually have one.)

(b) *How ration coupons are issued and used.* Ration coupons are coupons designated "ration coupons" which are issued in denominations of 1, 5, 20, 100 and 1,000 points by the Office of Price Administration. Red ration coupons may be used for the acquisition of all foods covered by this order. They need not be endorsed, and are good at any time. In all other respects they may be used in the same way as stamps, certificates and ration checks. However, a person who does not have and is not required to have a ration bank account may use ration coupons to give change to any person other than a consumer, but he may use for this purpose only ration coupons having denominations of 1, 5, or 20 points. (This does not affect the rule that a person who has or is required to have a ration bank account may give up or return points only in the form of a check. The only exception to that rule is in the use of one point stamps to give change to consumers.)

(c) *Ration coupons are the property of the Office of Price Administration and may be revoked.* (1) All ration coupons are the property of the Office of Price Administration, whether or not they have been issued.

(2) The Office of Price Administration may suspend, cancel, or revoke any ration coupon if it finds it in the public interest to do so.

8. Footnote 1a to section 9.3 (a) is amended by inserting the words "or ration coupons" after the words "(on OPA Form R-1201)".

This amendment shall become effective August 18, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 18th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13522; Filed, August 18, 1943;
4:15 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13, Amdt. 54]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 13 is amended in the following respects:

1. The title of section 1.3 is amended by inserting the words "or ration coupons," after the word "certificates".

2. Section 1.3 (c) is amended by inserting the words "or ration coupons" after the words "(OPA Form R-1201)" in the first sentence and after the word "certificate" in the second sentence.

3. Section 8.2 (d) is amended to read as follows:

(d) *Industrial users.* Every "industrial user" who has, or has assigned to him a base period use of 2,000 pounds or more of foods listed in his registration on Form R-1308 during any base period from January 1, 1942 on, may open an account. If he has more than one "industrial user establishment", he may open an account if the combined use of those foods at all those establishments is 2,000 pounds or more during any base period. If he has more than one industrial user establishment and opens an account, he may open one account for all, or a separate account for each or for any group of them, but all must have an account. No other industrial user may open an account. Any industrial user who has opened a ration bank account and who is not entitled to have it under this Section, as amended, must close that account on or before November 1, 1943.

¹ 8 F.R. 1840, 2288, 2681, 2684, 2943, 3179, 3949, 4342, 4525, 4726, 4784, 4921, 5318, 5342, 5480, 5568, 5757, 5758, 5818, 5819, 5847, 6046, 6137, 6138, 6181, 6848, 7353, 7490, 7589, 8357, 8705, 9012, 9024, 9116, 9305, 9459, 10511, 10665.

4. Section 8.4 (b) is amended by adding the following "Ration coupons may be deposited at any time."

5. Section 9.4 (i) is added to read as follows:

(i) *Ration coupons.* A ration coupon may be accepted from a consumer at any time.

6. Section 9.5 (d) (4) is added to read as follows:

(4) *Ration coupons.* A ration coupon may be accepted at any time.

7. The title of Article XV is amended to read as follows:

Article XV—Issuance and Use of Certificates and Ration Coupons.

8. Section 15.8 is added to read as follows:

SEC. 15.8 *How ration coupons are issued—(a) General.* Whenever a local Board, district or State office, or the Washington Office of the Office of Price Administration, or any other person, is authorized to issue one or more certificates to any person, it shall, unless otherwise directed by the Office of Price Administration, issue ration coupons instead, if he is not entitled to have a ration bank account. (Ration coupons may not be issued to a person who is entitled to have an account, even though he does not actually have one.)

(b) *How ration coupons are issued and used.* Ration coupons are coupons designated "ration coupons" which are issued in denominations of 1, 5, 20, 100 and 1,000 points by the Office of Price Administration. Blue ration coupons may be used for the acquisition of all processed foods. They need not be endorsed, and are good at any time. In all other respects they may be used in the same way as stamps, certificates and ration checks. However, a person who does not have and is not required to have a ration bank account may use ration coupons to give change to any person other than a consumer, but he may use for this purpose only ration coupons having denominations of 1, 5, or 20 points. (This does not affect the rule that a person who has or is required to have a ration bank account may give up or return points only in the form of a check.)

(c) *Ration coupons are the property of the Office of Price Administration and may be revoked.* (1) All ration coupons are the property of the Office of Price Administration, whether or not they have been issued.

(2) The Office of Price Administration may suspend, cancel, or revoke any ration coupon if it finds it in the public interest to do so.

9. Footnote 3 to Section 8.3 (a) is amended by inserting the words "or ration coupons" after the words "(Form OPA R-1201)".

This amendment shall become effective August 18, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R.

562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 18th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13521; Filed, August 18, 1943;
4:15 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 22 Under § 1499.18 (c) of GMPR]

AMARILLO HARDWARE CO.

Order No. 22 under § 1499.18 (c), as amended, of the General Maximum Price Regulation; Docket No. V-1499.18 (c)-158.1.

On March 29, 1943 Amarillo Hardware Company, Amarillo, Texas, filed an application for adjustment pursuant to § 1499.18 (c) of the General Maximum Price Regulation. Due consideration has been given to the application, and an opinion in support of this Order No. 22 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered*, That said application be, and it hereby is, denied.

This Order No. 22 shall become effective August 19, 1943.

Issued this 18th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13523, Filed, August 18, 1943;
4:16 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 12, Amdt. 1]

WAR RATION BOOK NO. 3

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

General Ration Order No. 12 is amended in the following respects:

1. A new section 6a is added which reads as follows:

SEC. 6a *War Ration Book No. 3 to members of the armed forces.* (a) On and after August 15, 1943, War Ration Book No. 3 may be issued to any member of the armed forces of the United States or of the United Nations who is not in one of the following classes:

(1) Subsisted or authorized to be subsisted in kind; or

(2) A member of a mess where the rationed foods used are acquired by the use of ration checks issued by the Army, Navy, Marine Corps or Coast Guard, or by an officer authorized to issue such checks; or

*Copies may be obtained from the Office of Price Administration.

†8 F.R. 7453.

(3) Although not subsisted in kind and not a member of such a mess, eats at least 14 meals a week at a mess of that type.

(b) The application must be made on OPA Form R-129A and must be filled out and signed by the applicant. The application, if made on or before August 31, 1943, must be mailed to the address stated on the form.

(c) On and after September 1, 1943, a member of the armed forces of the United States or of the United Nations who is eligible to receive War Ration Book No. 3 may apply for War Ration Book No. 3 to a Board, and the book is to be issued to him in accordance with the provisions of sections 4 and 5.

(d) Any person issuing War Ration Book No. 3 to an eligible member of the armed forces of the United States or of the United Nations, shall remove "aeroplane" stamps Nos. 1 through 4 before issuing the book.

2. Section 8 (c) (1) is amended to read as follows:

(1) He leaves the United States for a period of more than thirty days. This provision does not apply to members of the Merchant Marine who leave the United States temporarily while on voyages. (A War Ration Book No. 3 issued to a member of the Merchant Marine may, however, be used to acquire rationed foods only for consumption at a common table with him when he is in the United States.) The stamps in his War Ration Book No. 3 which are designated for the acquisition of any rationed food and which expire while he is out of the United States for a thirty day period or more shall be surrendered to the local Board for cancellation.

3. Section 8 (c) (2) is amended to read as follows:

(2) He becomes a member of the armed forces of the United States and will receive or be authorized to receive subsistence in kind, or becomes a member of a mess where the rationed foods used are acquired by the use of ration checks issued by the Army, Navy, Marine Corps or Coast Guard, or by an officer authorized to issue such checks or, although not subsisted in kind and not a member of such a mess, eats at least 14 meals a week at a mess of that type.

4. Section 8 (d) is amended to read as follows:

(d) Any person who has surrendered his War Ration Book No. 3 to a Board, pursuant to paragraph (c) of this section, may apply for reissuance of the book in accordance with the procedure prescribed by section 4, if his status changes so that the conditions which required the surrender of the book no longer exist.

5. A new section 11 is added to read as follows:

SEC. 11. *Definitions.* (a) When used in this order:

(1) "Members of the Merchant Marine" means all masters, officers and

crew members employed aboard vessels flying the flag of the United States or of a United Nation.

This amendment shall become effective August 18, 1943.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562; Sec. of Agr. Food Dir. 3, 8 F.R. 2005, Food Dir. 5, 8 F.R. 2251, Food Dir. 6, 8 F.R. 3471, Food Dir. 7, 8 F.R. 3471, Food Dir. 8, 8 F.R. 7093)

Issued this 18th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13515; Filed, August 18, 1943;
4:18 p. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 17, Amdt. 32]

SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 17 is amended in the following respects:

1. Section 2.11 (a) (4) is added to read as follows:

(4) Shoes shipped from the factory after August 15, 1943, made wholly of materials other than leather (which may, however, use leather as top lifts) and the sole of which is of one of the following constructions:

(i) A sole made principally of wood, rope, fabric, or fiber, in which reclaimed rubber is used in an amount not exceeding 15 percent by volume;

(ii) A sole made wholly of low grade friction scrap (friction scrap of a quality which is not being purchased by the Rubber Reserve Corporation at the time the sole is made) and bound together by compression and vulcanization.

2. The definition of "house slippers" in section 3.13 is amended to read as follows: "House slippers" means any footwear constructed exclusively for indoor or house wear other than athletic, sport, or gymnasium use. However, the term does not include footwear made with any cattle hide leather in the upper, or with grain leather outsoles (other than heads, bellies, shins, and shanks of five iron or less), or with any rubber in the outsoles (other than reclaimed rubber in an amount not more than 15 percent by volume), if such footwear was shipped from the factory in the United States after August 31, 1943, or imported into the United States after August 31, 1943.

3. The definition of "shoes" in section 3.13 is amended to read as follows:

*Copies may be obtained from the Office of Price Administration.

8 F.R. 1749, 2040, 2487, 2943, 3315, 3371, 3851, 4129, 3948, 4716, 5589, 5678, 5679, 5756, 6046, 6687, 7198, 7261, 8080, 8357, 8601, 9062, 9422, 9567, 9884, 10269, 10762.

No. 165—3

"Shoes" means any footwear made in whole or in part of leather or which contain any rubber in the sole, except: Burial slippers; house slippers; ballet slippers; evening slippers made in the United States, or imported before July 7, 1943, which at the time of manufacture were made with uppers of gold or silver leather or imitation leather with gold or silver finish; baseball, track and football shoes; men's and women's knee-height riding boots made in the United States, or imported before July 7, 1943 (including boots without lacing and with lacing only over the instep but not including full lace boots, or jodhpur or cowboy boots); infant footwear of size 4 or smaller; overshoes; and waterproof and snow or water repellent rubber footwear. (For the purpose of this order, footwear is deemed not to be made in whole or in part of leather if leather is used only as hinges, tabs, heel inserts, or other non-skid or soundproofing features covering not more than 25 percent of the area of the bottom of the sole; and the term "leather" does not include leather dust derived directly from a permitted manufacturing process or from a waste product resulting from such a manufacturing process. Furthermore, footwear is deemed not to contain rubber in the sole where rubber is used only as a cement or adhesive to the extent necessary to attach a sole or platform to each other or to the upper.)

This amendment shall become effective August 18, 1943.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421, and 507, 77th Cong.; WPB Dir. 1, 7 F.R. 562, Supp. Dir. 1-T, 8 F.R. 1727; E.O. 9125, 7 F.R. 2719)

Issued this 18th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13520; Filed, August 18, 1943;
4:17 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 7 Under SR 15 to GMPR]

FAIRMONT ALUMINUM COMPANY

Order No. 7 under § 1499.75 (a) (4) of Supplementary Regulation No. 15 to the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith, It is ordered:

§ 1499.1607 *Adjustment of maximum prices for aluminum sheet and aluminum strip.* (a) On and after August 2, 1943, the Fairmont Aluminum Company of Fairmont, West Virginia, may sell and deliver aluminum sheet and aluminum strip, of any composition, produced in its plant at Fairmont, West Virginia, and any person may buy and receive such aluminum sheet and aluminum strip from Fairmont Aluminum Company at the maximum prices for such sheet or strip, as determined under § 1499.2 of the General Maximum Price Regulation, plus one-half cent per pound. These maximum prices shall be f. o. b. producer's plant at Fairmont, West Virginia, with a freight allowance equivalent to actual transportation charges not to exceed the carload rate of freight on orders for quantities of 500 pounds or over, where

destination is east of the Mississippi River, and a freight allowance equivalent to actual transportation charges not to exceed the carload rate of freight to St. Louis, Missouri, on orders for quantities of 500 pounds or over where destination is west of the Mississippi River.

(b) This order may be revoked or amended by the Administrator at any time.

This order shall become effective as of August 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13555; Filed, August 19, 1943;
11:19 a. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 449]

GROUNDWOOD SPECIALTY PAPERS

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for groundwood specialty papers by a specific maximum price regulation.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and of Executive Orders No. 9250 and 9328. So far as practicable, the Price Administrator has advised and consulted with members of the industry which will be affected by this regulation. Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected or have previously been promulgated and their use lawfully required by another Government agency.

§ 1347.1007 *Maximum prices for groundwood specialty papers.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328, Maximum Price Regulation No. 449 (Groundwood Specialty Papers), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1347.1007 issued under Pub. Laws 421 and 729, 77th Cong.; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4781.

MAXIMUM PRICE REGULATION No. 449—
GROUNDWOOD SPECIALTY PAPERS

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Appendix A: Maximum prices for sales of groundwood specialty papers.

SECTION 1. Prohibition against dealing in groundwood specialty papers at prices above the maximum. On and after August 25, 1943, regardless of any contract or other obligation:

(a) No manufacturer shall sell or deliver any groundwood specialty papers at higher prices than those set forth in Appendix A of this regulation.

(b) No person shall buy or receive groundwood specialty papers from a manufacturer in the course of trade or business at prices higher than those set forth in Appendix A of this regulation.

(c) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

SEC. 2. Less than maximum prices. Lower prices than those established by this regulation may be charged, demanded, paid or offered.

SEC. 3. Geographical applicability. The provisions of this regulation shall be applicable to the forty-eight states of the United States and to the District of Columbia.

SEC. 4. To what transactions, commodities and persons this regulation applies and the relation to other regulations. (a) The provisions of this regulation supersede the provisions of the General Maximum Price Regulation¹ with respect to sales and deliveries for which maximum prices are established by this regulation. The maximum prices established by this regulation apply only to sales by manufacturers.

(b) "Manufacturer" means any person who manufactures any groundwood specialty papers and includes an agent and a person affiliated with a manufacturer through community of ownership, who distributes or sells such manufacturer's groundwood specialty papers excluding, however, any person who comes within the definition of a merchant set forth in section 14 of this regulation.

(c) For the purposes of this regulation any sale by a manufacturer through a merchant to a specific purchaser or any sale by a manufacturer to a merchant for resale to a specific purchaser shall be considered as a sale by the manufacturer to that purchaser where the following conditions are present:

(1) Where the manufacturer is directly involved in the determination of the final price to the purchaser, and

(2) Where the merchant's sole compensation for service rendered is in the form of a selling discount, commission or fee.

(d) The term "Groundwood Specialty Papers" as used in this regulation refers to those kinds, types, and grades of uncoated papers which are generally used

for the transmitting of a message or design, as distinguished from wrapping, toilet, blotting or towel papers, and which

(1) Contain 26% or more of groundwood fiber in their furnish, and

(2) Are produced on a Fourdrinier paper machine, and

(3) Weigh no less than 19 pounds and no more than 120 pounds in basis weight 24x36/500.

Notwithstanding anything to the contrary in this regulation, the following shall not be considered groundwood specialty papers:

Paperboard grades for which maximum prices are established by Revised Price Schedule No. 32;²

Writing Papers and Certain Other Fine Papers for which maximum prices are established by Maximum Price Regulation No. 450, including No. 3 cover paper, and colored construction and school papers;

Newsprint paper, for which maximum prices are established by Revised Maximum Price Regulation No. 130;³

Book papers, for which maximum prices are established by Maximum Price Regulation No. 451;

Commodities for which maximum prices are established by Maximum Price Regulation No. 129,⁴ including envelope manilla paper.

SEC. 5. Federal and state taxes. Any tax upon, or incident to, the sale, delivery, processing or use of groundwood specialty papers imposed by any statute of the United States or statute or ordinance of any state or any subdivision thereof, shall be treated as follows in determining the manufacturer's maximum price for such groundwood specialty papers and in preparing the records of such manufacturer with respect thereto:

If, at the time the manufacturer determines his maximum price the statute or ordinance imposing such tax does not prohibit the manufacturer from stating and collecting the tax separately from the purchase price, and the manufacturer does state it separately, the manufacturer may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the manufacturer by the vendor from whom he purchased, and in such case the manufacturer shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 449.

SEC. 6. Export sales. The maximum price at which a person may export groundwood specialty papers or may sell groundwood specialty papers for export shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation,⁵ issued by the Office of Price Administration.

SEC. 7. Imports. No person importing groundwood specialty papers shall pay a

¹ 7 F.R. 1264, 2000, 2132, 2740, 3182, 8948; 8 F.R. 3524, 4187, 5838.

² 7 F.R. 9251, 10255; 8 F.R. 1586, 2670, 7766.

³ 7 F.R. 3178, 3242, 3482, 3554, 4176, 4668, 5712, 5780, 5943, 7974, 8938, 8948, 9131, 9724, 10152, 19812; 8 F.R. 1389, 2237, 4635.

⁴ 8 F.R. 4132, 5987, 7662.

total price for such paper including United States customs duties, paid directly or indirectly by him, which exceeds the maximum price applicable to a domestic sale established under this regulation.

SEC. 8. Evasion. (a) The price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, delivery, purchase, or receipt of or relating to groundwood specialty papers; alone or in connection with any other commodity, or by way of commission, service, transportation, or other charge or discount, premium, or other privilege, or by tying agreement, or other trade understanding, or otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited if used as a means of evading the price limitations imposed by this regulation: modifying, discontinuing or altering any customary trade practice of the seller, or deteriorating the quality or changing the identity of any grade.

SEC. 9. Enforcement. Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for suspension of license as provided by the Emergency Price Control Act of 1942, as amended.

SEC. 10. Records and reports. (a) Every person making sales or purchases of groundwood specialty papers subject to this regulation shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, is effective, an accurate record of each such sale or purchase. Such record may be in the form of the invoice or a copy thereof furnished in connection with each such sale or purchase.

(b) Persons required by paragraph (a) of this section to keep records shall keep such other records and shall submit such reports as the Office of Price Administration may from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(c) With respect to each sale of groundwood specialty papers to a merchant the manufacturer shall furnish the merchant with sufficient information to enable the latter to comply with the invoicing and record-keeping requirements of Maximum Price Regulation No. 400—Merchants' Prices for Fine Papers and Certain Paperboards,⁶ or of any other regulation applicable to sales of groundwood specialty papers by that merchant.

SEC. 11. Grade identification requirements. In connection with any sale or offer for sale of a groundwood specialty paper the manufacturer shall clearly state the grade name which has been specified or approved under this regulation for that paper upon all relevant documents, including quotations, price lists, invoices and package lists. In addition to that specified or approved grade name, the manufacturer may list the private or brand name. In connection with any sale or offer for sale of a job lot or seconds, the statement shall also include

⁶ 8 F.R. 7556.

¹ 8 F.R. 3096, 3849, 4347, 4486, 4724, 4848, 4978, 6047, 6962, 8511, 9025.

the fact that the paper being sold or offered for sale is a job lot or seconds.

SEC. 12. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.⁷

SEC. 13. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

SEC. 14. *General definitions.* (a) When used in this regulation the term:

(1) "Person" means an individual, corporation, partnership, association or any other organized group of persons or legal successors or representatives of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Manufacturer" has the meaning stated in Section 4 above.

(3) "Merchant" means any person who buys and resells any of the groundwood specialty papers listed in the appendices of this regulation, except (i) retailers and (ii) manufacturers buying groundwood specialty papers from another manufacturer and reselling them. "Merchant" also includes a manufacturer selling groundwood specialty papers of his own manufacture, and a person affiliated with such manufacturer through community of ownership if, and only if, the Office of Price Administration shall find that he operates as a bona fide merchant. Any such manufacturer or affiliate claiming to operate as a merchant shall file an application for a ruling in the manner specified in section 16 (b) of Maximum Price Regulation No. 400.—Merchants' Sales of Fine Papers and Certain Paperboards, or in any other regulation applicable to sales of groundwood specialty papers by the merchant.

(4) "Groundwood specialty papers" has the meaning stated in section 4 above.

(5) "Retailer" means any person, the major portion of whose sales are to ultimate consumers other than commercial, industrial, or institutional users, or government agencies.

(6) "Highest price charged" during a specified period means the highest price which the manufacturer charged for a delivery of a grade of groundwood specialty papers during that period, or, if the manufacturer made no such delivery, his highest offering price for delivery during that period.

(7) "Delivered". Groundwood specialty papers shall be deemed to have been "delivered" during any specified period if during such period they were received by the purchaser or by any carrier, including a carrier owned or controlled by the manufacturer, for shipment to the purchaser.

(8) "Offering price" means the price quoted in the manufacturer's price list, or, if he had no such price list the price which he regularly quoted in any other manner.

(9) "Pacific Zone" includes the states of Montana, Idaho, Utah, New Mexico, Nevada, Arizona, California, Washington and Oregon.

(10) "Basis weight" refers to the weight in pounds per 500 sheets of paper in the conventional size used for reference in that grade, except that in the case of hanging paper "basis weight" means the weight in pounds per 480 sheets of size 24 by 36 inches. For example, 25 x 38-50/500 means that 500 sheets of size 25 x 38 inches weigh 50 pounds.

(11) "Fiber furnish" refers to the percentage of each of the different types of fiber contained in a particular grade of paper averaged for one uninterrupted run of the grade, expressed with reference to the total fiber content which shall be 100 per cent.

(12) "Groundwood fiber" means unbleached groundwood fiber unless bleached groundwood fiber is expressly specified. "News quality groundwood fiber" and "specially groundwood fiber" shall have the meanings which have been generally ascribed to the terms by the industry. The former is relatively "free" and the latter relatively "slow" by reason of the fact that the latter is ground on a more finely grained pulpstone. Specialty groundwood fiber is generally brighter and made from more carefully selected and cleaned logs. It is also generally screened to minimize shives and foreign matter.

(13) "Brightness" is relative brightness of any white English finish paper as measured by the standard brightness tester approved by the Technical Association of the Pulp and Paper Industry.

(14) "Filler" means any one of several types of fine mineral or non-fibrous material used with the furnish to impart smoothness and opacity to the finished paper. The percentage of filler shall be determined by comparing the ash weight after burning with the weight of the paper, using the standard method approved by the Technical Association of the Pulp and Paper Industry. Paper shall be deemed to contain no filler if it contains less than 4% filler by the above ash test.

(15) "Caliper" means the thickness of one sheet of paper measured in units of one-thousandth of an inch. "Caliper

ratio" is the caliper of a sheet of paper divided by its weight in basis 24 x 36/500.

(16) "Bulking paper" means paper specially made to conform to requirements of uniform thickness of a given basis weight under specified pressure resulting in a specified thickness of a specified number of pages. Such paper is made "to bulk."

(17) "Sizing" means the surface moisture resistant characteristic imparted to a paper during its manufacture. "Hard sized" means highly sized, "slack sized" means slightly sized, and "waterleaf" means without sizing.

(18) "Standard finishes" include all finishes recognized in the industry as not carrying a differential. Typical of these are antique, eggshell, machine, or English finishes. "Special finishes" include those finishes recognized in the industry as generally carrying a differential. Typical special finishes include supercalendered, laid, embossed and oatmeal.

(19) "Rolls" refers to rolls in the standard sizes customarily sold without differential by each particular manufacturer of the grade involved.

(20) "Cut sizes of sheets" include all sizes less than 336 square inches. All other size sheets shall be considered standard size.

(21) "Colors" refers to the colors, including black, set forth in the standard color book entitled "Standard Color Nomenclature System and Manual," published by the Groundwood Paper Manufacturers' Association; "white" shall not be considered a color.

(22) "Minimum acceptable trim" means the minimum width in inches of saleable paper of a particular grade which a manufacturer has customarily produced on a particular paper machine, without extra charge.

(23) "Grade" means one particular quality within a kind of groundwood specialty papers, such grade having the essential properties peculiar to such kind of paper and its uses and common to all grades within such kind, but distinguished from other such grades by a difference in the degree to which one or several of these common properties are emphasized. However, a difference in the degree to which any such property is emphasized, due only to a normal within-grade difference in ash content, in sizing, in the finish, in the basis weight, or in the dyes used in the paper shall not be considered as resulting in a different grade, unless the definition of a particular grade specifies that such differences result in a different grade.

(24) "Item" means a quantity of paper all of which is of the same grain, basis weight, finish, color, grade, and, in the case of sheets, of the same length and width, and, in the case of rolls, of the same diameter.

(25) "Regular billing weight" means, when applied to sales in sheets, the net billing weight computed from the nominal weight; and when applied to sales in rolls, the gross weight exclusive of any returnable cores. Returnable cores may be charged by each manufacturer on the standard unit basis which he has cus-

⁷ F.R. 8961; 8 F.R. 3313, 3533, 6173.

tomarily charged for such cores but this core charge is to be credited to the purchaser when the cores are returned, freight paid, to the mill from which they were shipped.

(b) Unless the text otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

SEC. 15. *Grade specifications.* In determining whether a particular groundwood specialty paper is to be classified under one of the grades below, and, if it is, under which one, the following rules shall apply: Manufacturer shall consider the specifications stated below. If the paper being priced meets the specifications of any grade, and of the appropriate group description, it may be considered as belonging to that grade. A paper made by any manufacturer at a particular mill and which does not meet the furnish specifications for a particular grade may nevertheless be considered as belonging to that grade: *Provided*, The paper being priced is of a quality which has been generally recognized in the industry as being equivalent in quality to paper which conforms with such specifications, and is in all respects equally satisfactory in appearance and use to paper which conforms with such specifications: *And provided further*, That the manufacturer within 30 days after the first sale of that grade pursuant to this pricing procedure files with the Office of Price Administration in Washington, D. C., a sample thereof together with a statement of its specifications and its price history. If a paper is generally recognized as being a grade superior to all of the grades listed under the particular group in section 15 to which the grade belongs, its maximum price may be determined by procedure under paragraph (b) of Appendix A instead of under paragraph (a) of Appendix A.

(a) *Groundwood book papers.* The grades in this group are generally intended for printing purposes and embody the characteristics required for letterpress printing unless the paper is ordered and made for use in other printing processes.

"A-1 Printing" contains not less than 25% bleached chemical fiber, balance unbleached chemical fiber or specialty groundwood fiber. Filler not less than 7½%. Average brightness not less than 65.0.

"A-2 Printing" contains not less than 15% bleached chemical fiber, balance unbleached chemical fiber and specialty groundwood fiber. Filler not less than 7½%. Average brightness not less than 63.0.

"B-Printing" contains not less than 20% chemical fiber, balance specialty groundwood fiber. Filler not less than 7½%. Average brightness not less than 60.0. "B-Printing" includes the quality known as "M. F. Roto."

"B-Publication" contains specialty groundwood fiber and unbleached chemical fiber.

"Novel" contains news quality groundwood fiber and unbleached chemical fiber. At least 4 point caliper, contains no filler and is suitable for use as text paper in "pulp" magazines.

"Supercalendered rotogravure" contains not less than 25% chemical fiber, balance specialty groundwood fiber. Supercalendered

to a high glossy finish on both sides. Sold in rolls only, and specially spliced for rotogravure printing. Basis weight not less than 35 lbs. (25 x 38/500).

(b) *Lightweight groundwood printing papers.* This group is generally intended for printing purposes only, and embodies the general characteristics required for high speed web-fed letterpress printing, unless ordered and made for printing by other processes. It shall be sold in basis weight 28 pounds—24 x 36/500 or less.

"Lightweight directory" in 28 pounds basis weight contains not less than 25%, and in 22½ pounds basis weight not less than 30% of chemical fiber, the minimum percentage of chemical fiber varying proportionately in other basis weights. Balance of furnish is groundwood specialty fiber.

"Lightweight catalogue" has the same fiber furnish specifications as lightweight directory. It has the high finish required for pictorial reproduction, and contains a sufficient quantity of special filler having a high refractory index to produce generally acceptable opacity despite its high finish and light basis weight.

(c) *General use papers.*

"No. 1 groundwood poster" has the same fiber furnish specifications as B-Printing. Contains no filler. Slightly lower in finish than B-Printing. It is made in six or more standard medium colors, or tints, or light colors other than No. 2 Groundwood Poster standard colors. It is not made in white.

"No. 2 groundwood poster" contains specialty groundwood fiber and chemical fiber. Made in the five light colors, pink, jade, mandarin, sulphur, and gold, in the medium color azure, and in white. Medium printing finish.

"No. 1 railroad manilla" has the same fiber furnish specifications as B-Printing. Contains no filler. Sized for pen and ink writing. Made in sulphur and cream colors only, and not made in white. Basis weight at least 13 lbs. (17 x 22/500).

"No. 2 railroad manilla" contains specialty groundwood fiber and chemical fiber. Contains no filler. Sized for pen and ink writing. Made in the colors canary, india, and in white. Basis weight at least 13 lbs. (17 x 22/500).

"Type III mimeograph paper" notwithstanding anything to the contrary in the first two paragraphs of this section, must conform with the specifications for this grade contained in Emergency Alternate Federal Specifications UUP 388-A, as amended to July 21, 1943, or subsequent amendments or changes thereto.

"B groundwood mimeograph paper" contains not less than 20% chemical fiber, balance groundwood fiber. Contains no filler. Sized for pen and ink writing. Suitable for mimeograph reproduction.

"A groundwood drawing paper" contains not less than 15% bleached chemical fiber, balance specialty groundwood fiber or unbleached chemical fiber. Contains no filler. Hard sized for water color painting, with a low finish suitable for drawing. Made in white only.

"B groundwood drawing paper" contains not less than 20% chemical fiber, balance specialty groundwood fiber. Contains no filler. Hard sized for water color painting with a low finish suitable for drawing. Made in white, and the colors cream, gray, pearl and smoke.

(d) *Special end use converting grades of paper.* These grades are generally designed for and ultimately sold only to

paper converters for a use which is described by the grade name.

"Groundwood carbonizing" contains specialty groundwood fiber and chemical fiber. Is free of pin holes, and sufficiently dense to retain a carbon and wax solution on one surface without penetration through to the other surface. Fibers are "fine" and specially treated for maximum resistance to oil penetration.

"Groundwood lining" contains not less than 20% chemical fiber, balance specialty groundwood fiber. Weight basis 32 pounds (24 x 26/500). Suitable for adhesion.

"Groundwood coating" contains not less than 25% chemical fiber, balance specialty groundwood fiber. Specially formed and sized to be suitable for coating with a liquid mixture of clay, adhesive and colors, and when dry, for calendering or polishing to a high sheen.

"Canary pencil tablet" contains news quality groundwood fiber and chemical fiber. Contains no filler. Canary color only. When sold for tablet purposes it conforms to the specific caliper per four sheets specified by purchaser.

"White pencil tablet" is identical with canary pencil tablet except that it is made in white only. Commonly made in tablet roll sizes.

(e) *Groundwood hanging papers.* These grades are specially produced solely for conversion to wallpaper, and are in each instance suitable for that use including sizing to resist moisture as required for the processing and the pasting operations.

"A-1 groundwood hanging" contains not less than 25% bleached chemical fiber, balance specialty groundwood fiber. Filler conforms to purchaser's specifications. Has a smooth finish for engraving.

"A-2 groundwood hanging" contains not less than 15% bleached chemical fiber and not less than 10% unbleached chemical fiber. Contains no filler and is either ordinary or extra strength as required for purchaser's embossing operations.

"No. 2 hanging" contains groundwood and chemical fibers. No filler unless specified.

(f) *General converting grades.* These grades are generally made to specifications, for a great variety of end uses. They differ from other grades in that the manufacturer is generally required to meet exact within-grade specifications. The end uses for these grades include but are not limited to sales books, tablet paper other than pencil tablet, waybills, business machine rolls and foil backing but do not include those uses indicated by other grade names listed herein. Although these four grades are made to specifications so that the same grade frequently varies as between customers of the same manufacturer, the following qualifications must be complied with. All of these are hard sized if so ordered, and conform with strength or other physical tests appropriate to the indicated use.

"A-1 groundwood converting" contains not less than 50% chemical fiber, balance specialty groundwood fiber. The percentage of the chemical fiber which must be bleached shall depend upon the specifications or end use requirements of the purchaser.

"A-2 groundwood converting" contains not less than 30% chemical fiber, balance specialty groundwood fiber. The percentage of the chemical fiber which must be bleached

shall depend upon the specifications or end use requirements of the purchaser.

"B-1 groundwood converting" contains not less than 50% chemical fiber, balance specialty groundwood fiber.

"B-2 groundwood converting" contains not less than 30% chemical fiber, balance specialty groundwood fiber.

Appendix A: Maximum prices for sales of groundwood specialty papers by manufacturers. The maximum price for sales of groundwood specialty paper by a manufacturer is the maximum base price, as provided below, plus or minus any applicable differentials, charges, discounts, allowances, or other pricing elements, as provided below.

The maximum base price shall be the price set forth in paragraph (a) of this Appendix in all cases where the paper being priced falls under one of the grades listed in that paragraph (a). The rules to be followed in determining whether a groundwood specialty paper falls under one of those listed grades, and, if so,

under which one, are stated in section 15 above. The maximum base price for a groundwood specialty paper which does not fall under one of these grades is to be determined under paragraph (b) of this Appendix. Differentials, charges, discounts, allowances, and other pricing elements are provided for in paragraph (c).

The "base" prices for groundwood specialty papers, as listed under paragraph (a) or as determined under paragraph (b) below, are the prices per hundred pounds of regular billing weight for one item of standard colors, standard finish, and standard basis weight packed in standard rolls, sold in quantities of 40,000 pounds or more f. o. b. mill, with lowest available carload rate of freight allowed to destination, except insofar as the amount of freight allowance may be limited under paragraph (c) (1).

(a) **Maximum base prices for listed grades:**

GROUNDWOOD BOOK PAPERS

Grade	Minimum standard basis weight	Code for light weight differential see paragraph (c) (2)	Maximum base price
A-1 Printing	40 lbs.-25 x 38/500	ALD	\$4.85
A-1 Printing supercalendered	45 lbs.-25 x 38/500	BLD	5.10
A-2 Printing	40 lbs.-25 x 38/500	ALD	4.60
A-2 Printing supercalendered	45 lbs.-25 x 38/500	BLD	4.85
B Printing	32 lbs.-24 x 36/500	CLD	4.35
B Printing supercalendered	36 lbs.-24 x 36/500	BLD	4.60
B Publication	32 lbs.-24 x 36/500	None	4.00
Navel	32 lbs.-24 x 36/500	None	3.30
Supercalendered rotogravure	39 lbs.-25 x 38/500	ELD	4.325

LIGHTWEIGHT GROUNDWOOD PRINTING PAPERS

Lt. Wt. Directory	28 lbs.-24x36/500	FLD	\$4.45
Lt. Wt. Directory supercalendered	28 lbs.-24x36/500	FLD	4.70
Lt. Wt. Catalog	28 lbs.-24x36/500	FLD	4.70
Lt. Wt. Catalog supercalendered	28 lbs.-24x36/500	FLD	4.95

GENERAL USE PAPERS

#1 Groundwood poster	32 lbs.-24x36/500	CLD	\$4.75
#2 Groundwood poster	32 lbs.-24x36/500	CLD	4.25
#1 Railroad manilla	14 lbs.-17 x 22/500	GLD	4.75
#2 Railroad manilla	14 lbs.-17 x 22/500	GLD	4.25
Type III mimeograph paper	18 lbs.-17 x 22/500	None	5.25
B Groundwood mimeograph paper	16 lbs.-17 x 22/500	None	4.50
A Groundwood drawing	36 lbs.-24 x 36/500	None	4.75
B Groundwood drawing	36 lbs.-24 x 36/500	None	4.25

SPECIAL END USE GROUNDWOOD CONVERTING PAPERS

Groundwood carbonizing	35 lbs.-24 x 36/500	JLD	\$5.00
Groundwood lining	32 lbs.-24 x 36/500	None	4.75
Groundwood coating	20 lbs.-20x24/500	KLD	4.75
Canary pencil tablet	32 lbs.-24x36/500	HLD	3.95
White pencil tablet	32 lbs.-24 x 36/500	HLD	3.40

GROUNDWOOD HANGING PAPERS

A-1 Groundwood hanging	38 lbs.-24 x 36/480	None	\$5.00
A-2 Groundwood hanging	38 lbs.-24 x 36/480	None	4.50
#2 Groundwood hanging	38 lbs.-24 x 36/480	None	4.00

GENERAL CONVERTING GRADES OF GROUNDWOOD PAPERS

A-1 Groundwood converting	16 lbs.-17x22/500	LLD	\$5.75
A-2 Groundwood converting	16 lbs.-17x22/500	LLD	5.50
B-1 Groundwood converting	16 lbs.-17x22/500	LLD	5.25
B-2 Groundwood converting	32 lbs.-24x36/500	ILD	4.75

(b) **Maximum base prices for unlisted grades.** The maximum base price for groundwood specialty papers not listed in paragraph (a) above shall be determined under subparagraph (1) of this paragraph (b) in all instances where that unlisted grade was delivered or offered for delivery by the manufacturer during the period October 1, 1941 through March 31, 1942. If that unlisted grade was not delivered or offered for delivery by the manufacturer during that period, the maximum base price shall be determined under subparagraph (2) of this paragraph (b).

Under subparagraph (1) below the manufacturer is required to determine the highest "base" price charged by him during the period October 1, 1941 through March 31, 1942. This determination is made by taking the highest actual price charged during that period and adjusting that price downward or upward, as the case may be, in accordance with the differentials, charges, discounts, allowances and other pricing elements applied by the manufacturer in computing that highest actual price.

(1) The maximum base price for an unlisted grade which was delivered or offered for delivery by the manufacturer during the period October 1, 1941 through March 31, 1942 shall be determined as follows:

The manufacturer shall take the highest base price charged by him for that grade during that period, and shall ascertain the difference between that base price and the highest base price charged by him during the same period for that one of the following listed grades which is most closely related to the grade being priced: A-1 groundwood printing, A-2 groundwood printing, B groundwood printing, lightweight groundwood printing papers, general use papers, B groundwood carbonizing paper, B groundwood lining paper, groundwood hanging papers and general converting grades of groundwood papers. That difference shall then be added to, or as the case may be, subtracted from the maximum base price listed under paragraph (a) for the grade with which the comparison was made. The resulting amount shall be the maximum base price for the unlisted grade being priced under this paragraph.

If during the period October 1, 1941 through March 31, 1942 the manufacturer delivered or offered for delivery one or more unlisted grades, but in that period did not deal in any of the grades listed in paragraph (b) (1) above, his maximum base price for any such unlisted grade shall be the highest base price charged by him for that grade during that period.

(2) The maximum base price for an unlisted grade of groundwood specialty paper which was not delivered or offered for delivery by the manufacturer during the period October 1, 1941 through March 31, 1942 shall be a price in line with the maximum base price established by this

regulation for the nearest related grade. "The nearest related grade" shall be that grade listed in paragraph (a) which the manufacturer is producing currently for the same general use or uses as the unlisted grade being priced, and at a total cost which is closest to the total cost of such unlisted grade. If the manufacturer does not deal in any of the grades listed in paragraph (a), his "nearest related grade" shall be that grade for which he has already established a maximum base price under paragraph (b) (1), which he is producing currently for the same general use or uses as the unlisted grade being produced and at a total cost which is closest to the total cost of such unlisted grade.

A price shall be "in line" only if the difference between that price and the price for the nearest related grade is not in excess of the dollars and cents difference between the total cost of that grade and the total cost of the nearest related listed grade.

Total cost in these cases shall be computed on the basis of costs prevailing at the time when such in line price is being determined, and in accordance with the manufacturer's usual method of determining total cost during March 1942.

(3) A maximum price determined by a manufacturer under paragraph (b) (1) or (b) (2) must be reported to and confirmed by the Office of Price Administration. If this confirmation is not obtained prior to the time of making the sale, the manufacturer must agree to refund to the purchaser any amount paid in excess of the confirmed maximum price. Confirmation of a maximum price determined under paragraph (b) (1) or (b) (2) above, shall be obtained as follows:

Manufacturer must submit to the Office of Price Administration, Washington, D. C. a statement setting forth all of the relevant facts including the following:

(i) Description of the grade being priced;

(ii) (a) For grades priced under (b) (1) above: A full statement explaining the steps taken by manufacturer in arriving at the price for which he requests confirmation, and his calculations in connection therewith;

(b) For grades priced under (b) (2) above: Completed Form Q-52 (forms available upon application to the Paper and Paper Products Branch, Office of Price Administration, Washington, D. C.) which covers cost and price data on that grade and on the related grade with which the price comparison was made;

(iii) A sample sheet of the grade, folded 8½" by 11", together with a full statement of all specifications.

Where a maximum price as proposed is not disapproved by the Office of Price Administration within 20 days after the above material has been filed it shall be considered confirmed. Confirmation need be obtained only once with respect to each grade involved.

(4) Any maximum price which cannot otherwise be determined under this Appendix A shall be determined by the

Office of Price Administration in Washington, D. C. by order upon receipt of an application from the manufacturer setting forth a description of the grade and the reasons why it cannot be priced under any other provision of this Appendix A and including a completed Form Q-52 with respect to the costs of such grade. (Copies of Form Q-52 are available upon application to the Paper and Paper Products Branch, Office of Price Administration, Washington, D. C.)

(c) *Differentials, charges, allowances, discounts, and other pricing elements.* Wherever a maximum charge is stated in dollars and cents under the following sub-paragraphs, it shall apply per hundred pounds, unless otherwise specified.

(1) *Freight allowances and zone differential.* Manufacturer shall allow the lowest available carload rate of freight up to 40¢ per hundred pounds, but may add no zone differential: *Provided, however,* That upon deliveries in the Pacific zone any manufacturer located in that zone shall allow the entire carload rate of freight and may add 60¢ zone differential.

(2) *Light weight differentials.* Following each grade of groundwood specialty paper listed in paragraph (a) of this Appendix, will be found either the word "none" or a three letter coded reference. The word "none" indicates that no amount may be added for sales of lighter than standard weights of the grade involved. The code references are explained below. The percentage light weight differentials stated below shall, in each instance, be applied to the maximum base price, except that such percentage may be applied to the sum of that base price and any applicable sheeting differentials, and, in the case of catalog paper, to the sum of that base price and any applicable differential for sheeting and for supercalendered quality and for roto quality.

Light weight differentials for any grade which is priced under paragraph (b) of this Appendix A shall be the customary light weight differentials of the manufacturer during the period October 1, 1941 through March 31, 1942. If manufacturer had no customary light weight differentials applicable to such grade during that period, he shall so advise the Office of Price Administration, Washington, D. C., at the time of reporting upon that grade under paragraph (b) (3). Upon such notification, the Office of Price Administration, Washington, D. C., will determine the allowable light weight differentials for that grade, and will in writing inform manufacturer of that determination. The allowable light weight differentials in these instances shall be arrived at by the Office of Price Administration upon the basis of customary industry differentials, wherever such differentials exist; in those cases where there are no such customary differentials, the allowable light weight differentials shall be arrived at by the Office of Price Administration upon the basis of the average difference in production costs of the weights involved.

Code:

- ALD** Add 1% to selling price for each pound of basis weight or fraction thereof below 40 lbs. down to and including 35 lbs. (25 x 38/500).
Add 2% to selling price for each pound of basis weight or fraction thereof below 35 lbs. down to and including 31 lbs. (25 x 38/500).
- BLD** Add 1% to selling price for each pound of basis weight or fraction thereof below 45 lbs. down to and including 40 lbs. (25 x 38/500).
Add 2% to selling price for each pound of basis weight or fraction thereof below 40 lbs. down to and including 35 lbs. (25 x 38/500).
Add 3% to selling price for each pound of basis weight or fraction thereof down to and including 31 lbs. (25 x 38/500).
- CLD** Add 2% to selling price for each pound of basis weight or fraction thereof below 32 lbs. down to and including 30 lbs. (24 x 36/500).
- DLD** Add 2% to selling price for each pound of basis weight or fraction thereof below 36 lbs. down to and including 32 lbs. (24 x 36/500).
- ELD** Add 10% to selling price for any basis weight less than 39 lbs. (25 x 38/500).
- FLD** Add 3% to selling price for each pound of basis weight or fraction thereof below 28 lbs. down to and including 25 lbs. (24 x 36/500).
Add 4% to selling price for each pound of basis weight or fraction thereof below 25 lbs. down to and including 22 lbs. (24 x 36/500).
Add 6% to selling price for each pound of basis weight or fraction thereof below 22 lbs. down to and including 19 lbs. (24 x 36/500).
- GLD** Add 6% to selling price for any basis weight less than 14 lbs. (17 x 22/500).
- HLD** Add 3% to selling price for each pound of basis weight or fraction thereof below 32 lbs. down to and including 30 lbs. (24 x 36/500).
- ILD** Add 2% to selling price for each pound of basis weight or fraction thereof below 32 lbs. down to and including 30 lbs. (24 x 36/500).
Add 3% to selling price for each pound of basis weight or fraction thereof below 30 lbs. down to and including 26 lbs. (24 x 36/500).
Add 4% to selling price for each pound of basis weight or fraction thereof below 26 lbs. down to and including 22 lbs. (24 x 36/500).
Add 6% to selling price for each pound of basis weight or fraction thereof below 22 lbs. down to and including 19 lbs. (24 x 36/500).
- JLD** Add 2% to selling price for each pound of basis weight or fraction thereof below 35 lbs. down to and including 30 lbs. (24 x 36/500).
Add 3% to selling price for each pound of basis weight or fraction thereof below 30 lbs. down to and including 25 lbs. (24 x 36/500).
Add 4% to selling price for each pound of basis weight or fraction thereof below 25 lbs. down to and including 22 lbs. (24 x 36/500).
Add 6% to selling price for each pound of basis weight or fraction thereof below 22 lbs. down to and including 19 lbs. (24 x 36/500).
- KLD** Add \$.25 per hundred pounds for 17 lbs. up to but not including 20 lbs. (20 x 24/500).
- LLD** Add 5% to selling price for each pound of basis weight or fraction thereof below 16 lbs. down to and including 14 lbs. (17 x 22/500).

Code:

LLD—Continued.

Add 6% to selling price for each pound of basis weight or fraction thereof below 14 lbs. down to and including 12 lbs. (17 x 22/500).

Add 10% to selling price for each pound of basis weight or fraction thereof below 12 lbs. down to and including 10 lbs. (17 x 22/500).

Add 18% to selling price for each pound of basis weight or fraction thereof below 10 lbs. (17 x 22/500).

(3) *Sheeting and standard packing of sheets.* The maximum differential, over the price of standard rolls, for sheeting and packaging shall be as follows:

(i) Sheeted to size 336 square inches in area or greater, 500 sheet ream marked, and packed in bundles with cardboard stiffener top and bottom, add \$.40.

To the above differential may be added \$.25 for packing these sizes ream banded or ream sealed.

(ii) Sheeted to size less than 336 square inches in area, down to and including 84 square inches in area, either ream marked, ream banded or ream sealed, and packed in bundles with cardboard stiffener top and bottom, add \$.90.

(iii) Sheeted to size less than 84 square inches in area, down to and including 42 square inches in area, ream marked, ream banded or ream sealed, and packed in bundles with cardboard stiffener top and bottom, add \$1.15.

(iv) Sheeted to size less than 42 square inches in area, ream marked, ream banded or ream sealed, and packed in bundles with cardboard stiffener top and bottom, add \$1.40.

(v) For quire folding any size of sheet there may be added \$.25 to other sheeting charges.

(vi) For fractional-ream wrapping of 50 to 100 sheets there may be added \$.50 for sheets 336 square inches in area or larger, or \$1.00 for smaller size sheets, to the differential provided for wrapping full reams.

(vii) For packing sheeted sizes on skids there may be added \$.10 to the appropriate sheeting differential.

(viii) For packing sheeted sizes in wooden cases of approximately 500 pounds gross weight, or in cardboard cartons of approximately 125 pounds gross weight, or protected by skeleton or solid board frames, there may be added \$.25 to the appropriate sheeting differential.

(ix) For sheeting operations performed by persons other than the manufacturer, for the account of the manufacturer, reference is here made to (4) (ii) below.

(4) *Special packing.* (i) For packing sheets in special manner other than as described in (3) above, or for special packing of rolls, the manufacturer may add to the applicable maximum differential determined under subparagraph (3)

above, an amount equal to the difference between the current delivered cost to the manufacturer of the materials used in such special packing and the current delivered cost to the manufacturer of the materials used in the corresponding standard packing provided for under subparagraph (3).

(ii) When any sheeting or special packing operations are performed for the manufacturer by another person, the manufacturer may charge the purchaser of the paper upon which such operations have been performed the actual amount paid by the manufacturer for such operations, providing that this amount does not exceed the maximum price applicable to the supplying of such services under the maximum price regulation covering such services, and providing further that manufacturer, in connection with each such sale, informs purchaser that such sheeting or special packing operations were performed for manufacturer by another person.

(5) *Trimming.* For trimming one or two sides there may be added \$.10. For trimming three or four sides there may be added \$.15.

(6) *Watermarking, waterlining or laid marking.* Where any of these three operations are performed there may be added \$.25 for each such operation.

(7) *Supercalendering.* There may be added \$.25 where this operation is performed on a grade not already defined as being supercalendered.

(8) *Colors.* Appropriate color differentials may be added to those grades for which such colors are not standard, according to the shade and depth of such special colors, as follows:

Tint colors.....	\$0.25
Light colors.....	.50
Medium colors.....	.75
Deep colors.....	2.00
Special deep colors: Black.....	2.00
Purpurine.....	3.50
Scarlet and Blue.....	4.00
Red.....	5.00

The above color classifications and shades shall be determined according to the color book entitled Standard Color Nomenclature System and Manual, prepared by the Groundwood Paper Manufacturers' Association, a copy of which is on file with the Office of Price Administration, Washington, D. C.

(9) *Sizing.* For hard sizing which exceeds the degree ordinarily supplied in any grade or for waterleaf sizing there may be added \$.25.

(10) *Special labels.* For special labels prepared to the order of any purchaser there may be added no more than the actual cost to manufacturer of the special labels furnished.

(11) *Quantity differentials.* Upon orders specifying less than 40,000 pounds of one item for shipment at one time to

one consignee there may be added the following quantity differentials:

(i) 10,000 pounds to 39,999 pounds....	\$0.10
(ii) 5,000 pounds to 9,999 pounds.....	.25
(iii) 2,500 pounds to 4,999 pounds.....	.50
(iv) Less than 2,000 pounds.....	.75

(a) *Exceptions.* (1) Within the meaning of this subparagraph, sheets of either railroad manilla, poster, drawing or mimeo shall all be considered the same item as any other sheets of the same grade, regardless of their size, grain, finish, color or basis weight.

(2) When 10,000 pounds or more of one item of either railroad manilla, poster, drawing, pencil tablet, mimeo, carbonizing, or of any of the four general converting grades, or of any of the groundwood book paper grades, are ordered for shipment at one time to one destination and the shipment is part of either an annual contract or a spot order for more than 100 tons of such grade, no quantity differential may be added.

(3) When combinations of items of 10,000 pounds or more each of Coating, or of any of the three Hanging grades, or of Lining, amounting to 40,000 pounds or more are ordered for shipment at one time to one destination no quantity differential may be added.

(12) *Trim loss differential.* The trim loss differential upon sales of less than minimum acceptable trim shall be \$.035 per hundred pounds per inch of trim loss.

(13) *Roto catalog differential.* When catalog paper is ordered and made suitable for rotogravure printing, there may be added \$.15.

(14) *Other differentials.* For the operations listed below, manufacturer may add the differentials charged by him during the period October 1, 1941 through March 31, 1942 for such operations, or, if he did not perform the particular operation during that period, the amount which he would have charged during that period.

Rolls other than standard as defined herein.

Weights heavier than 80 pounds 24 x 36/500.

Special quantities of special filler having a high refractory index.

Paper made "to bulk".

Special finishes (other than Supercalendered) such as Oatmeal, Cheviot, or Embossed.

Special treatments such as plasticizing, special odors, wet strength.

Punching, perforating or ruling.

(15) *Discounts.* Cash discounts shall be no less favorable to purchasers than they were during the period October 1, 1941 through March 31, 1942.

(16) No differentials or charges other than those specifically provided for in this regulation may be added to any maximum price.

NOTE: The record-keeping and reporting requirements of this regulation have been ap-

proved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This Maximum Price Regulation No. 449 shall become effective August 25, 1943.

Issued this 19th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13543; Filed, August 19, 1943;
11:30 a. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW
MATERIALS FOR PAPER AND PAPER PROD-
UCTS, PRINTING AND PUBLISHING

[MPR 450]

WRITING PAPER AND CERTAIN OTHER FINE
PAPERS

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for writing paper and certain other fine papers by a specific maximum price regulation.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328. So far as practicable, the Price Administrator has advised and consulted with members of the industry which will be affected by this regulation. Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected or have previously been promulgated and their use lawfully required by another Government agency.

§ 1347.1008 *Maximum prices for writing paper and certain other fine papers.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328, Maximum Price Regulation No. 450 (Writing Paper and Certain Other Fine Papers), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1347.1008 issued under Pub. Law 421, 729, 77th Cong.; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4781.

MAXIMUM PRICE REGULATION No. 450—WRITING
PAPER AND CERTAIN OTHER FINE PAPERS
CONTENTS

Sec.

1. Prohibition against dealing in writing papers and certain other fine papers at prices above the maximum price.

*Copies may be obtained from the Office of Price Administration.

Sec.

2. Less than maximum prices.
 3. Geographical applicability.
 4. To what transactions, commodities and persons this regulation applies, and the relation to other regulations.
 5. Federal and State taxes.
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 16. Sales to the United States Government or any agency thereof.
- Appendix A: Maximum prices for sales of rag content writing papers.
Appendix B: Maximum prices for sales of chemical wood pulp writing papers.
Appendix C: Maximum prices for sales of unclassified grades of writing paper and of certain other fine papers.
Appendix D: Maximum prices for certain types of direct sales.

SECTION 1. Prohibition against dealing in writing papers and certain other fine papers at prices above the maximum. On or after August 25, 1943, regardless of any contract or other obligation:

(a) No manufacturer shall sell or deliver any writing paper and certain other fine papers at higher prices than those set forth in this regulation.

(b) No person shall buy or receive writing papers and certain other fine papers from a manufacturer in the course of trade or business at prices higher than those set forth in this regulation.

(c) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

SEC. 2. Less than maximum prices. Lower prices than those established by this regulation may be charged, demanded, paid or offered.

SEC. 3. Geographical applicability. The provisions of this regulation shall be applicable to the forty-eight states of the United States and to the District of Columbia.

SEC. 4. To what transactions, commodities and persons this regulation applies and the relation to other regulations. (a) The provisions of this regulation supersede the provisions of the General Maximum Price Regulation¹ with respect to sales and deliveries for which maximum prices are established by this regulation. The maximum prices established by this regulation apply only to sales by manufacturers.

(b) "Manufacturer" means any person who manufactures any of the papers covered by this regulation and includes

an agent and a person affiliated with a manufacturer through community of ownership, who distributes or sells such manufacturer's papers covered by this regulation excluding, however, any person who comes within the definition of a merchant set forth in Section 14 of this regulation.

(c) For the purposes of this regulation any sale by a manufacturer through a merchant to a specific purchaser or any sale by a manufacturer to a merchant for resale to a specific purchaser shall be considered as a sale by the manufacturer to that purchaser where the following conditions are present:

(1) Where the manufacturer is directly involved in the determination of the final price to the purchaser, and

(2) Where the merchant's sole compensation for service rendered is in the form of a selling discount, commission or fee.

(d) The terms "writing paper" and "certain other fine papers" as used in this regulation refer to those kinds, types and grades of paper recognized by the trade as writing paper grades and the other fine papers listed below. Without limitation the following papers are included in these categories:

Rag content:

Rag content bond papers
Rag content ledger papers
Rag content onionskin and manifold papers
Rag content weddings and papeteries
Rag content index
Rag content and "no rag" blueprint and negative base stock
Rag content cover papers
Chemical wood pulp papers:
Chemical wood pulp bond papers
Chemical wood pulp ledger
Chemical wood pulp onionskin and manifold papers
Chemical wood pulp wedding and papeteries
Chemical wood pulp index Bristol
Chemical wood pulp cover papers
Chemical wood pulp mimeograph paper
Chemical wood pulp opaque circular paper

Unclassified grades:

Bible paper (above A grade book)
Braille paper
Calendar roll
Carbonizing paper (above A grade book)
Chart paper
Cigarette paper
Colored construction and school paper
Condenser paper
Currency paper
Drawing paper (above A grade book)
Duplicating impression and master sheet
Facing and lining paper
Felt finished paper
Gelatin and spirit processes
Greeting card tissue
Manuscript cover
Map paper
Meter paper
Photographic base paper
Rag news
Safety paper base stock
Saturation paper (Rag, Cotton, and/or High Alpha Cellulose Content)
Stencil and lens tissue

¹ 8 F.R. 3096, 3849, 4347, 4486, 4724, 4848, 4978, 6047, 6962, 8511, 9025.

Unclassified grades—Continued.
Text paper (above A grade book)
Tracing paper

SEC. 5. *Federal and State taxes.* Any tax upon, or incident to, the sale, delivery, processing or use of any paper covered by this regulation imposed by any statute of the United States or statute or ordinance of any State or any subdivision thereof, shall be treated as follows in determining the manufacturer's maximum price for such paper and in preparing the records of such manufacturer with respect thereto:

If, at the time the manufacturer determines his maximum price the statute or ordinance imposing such tax does not prohibit the manufacturer from stating and collecting the tax separately from the purchase price, and the manufacturer does state it separately, the manufacturer may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the manufacturer by the vendor from whom he purchased, and in such case the manufacturer shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 450.

SEC. 6. *Export sales.* The maximum price at which a person may export or may sell for export the papers covered by this regulation shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation,² issued by the Office of Price Administration.

SEC. 7. *Imports.* No person importing writing paper or certain other fine papers shall pay a total price for such papers including United States custom duties, paid directly or indirectly by him, which exceeds the maximum price applicable to a domestic sale established under this regulation.

SEC. 8. *Evasion.* (a) The price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, delivery, purchase, or receipt of or relating to the papers covered by this regulation, alone or in connection with any other commodity, or by way of commission, service, transportation, or other charge or discount, premium, or other privilege, or by tying agreement, or other trade understanding, or otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited if used as a means of evading the price limitations imposed by this regulation: modifying, discontinuing or altering any customary trade practice of the seller, or deteriorating the quality or changing the identity of any grade.

SEC. 9. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties,

civil enforcement actions, suits for treble damages, and proceedings for suspension of license as provided by the Emergency Price Control Act of 1942, as amended.

SEC. 10. *Records and reports.* (a) Every person making sales or purchases of any of the papers subject to this regulation shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, is effective an accurate record of each such sale or purchase. Such record may be in the form of the invoice or a copy thereof furnished in connection with each such sale or purchase.

(b) Persons required to keep records by paragraph (a) of this section shall keep such other records and shall submit such reports as the Office of Price Administration may from time to time require, or permit, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(c) With respect to each sale to a merchant of paper covered by this regulation, the manufacturer shall furnish the merchant with sufficient information to enable the latter to comply with the invoicing and record-keeping requirements of Maximum Price Regulation No. 400³ or of any other regulation applicable to sales of papers covered by this regulation by that merchant.

SEC. 11. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.⁴

SEC. 12. *Petitions for adjustment.* (a) *When adjustments may be granted.* The Office of Price Administration may adjust the maximum price established under Appendix C or under Appendix D of this regulation for any grade of paper covered by this regulation in any case in which it finds that the seller is unable to maintain his production of that grade at that price and that either:

(1) Continuance of the seller's production of that grade is required to meet a military or essential civilian need, or

(2) Loss of the seller's production of that grade will force his customers to resort to higher priced sources of supply, and that no adequate substitute for that grade is available to his customers at a price equal to or lower than the adjusted maximum price which he requests.

(b) *Amount of relief.* The relief granted under this section shall be limited to the amount necessary to insure the maintenance of the manufacturer's production, provided, however, that where an application is filed under paragraph (a) (2) above, the seller's maximum price will not be raised above the general level of prices prevailing for alternative sources of supply of the grade or an adequate substitute therefor.

(c) *Form of application.* Before filing an application for adjustment under the provisions of paragraph (a), it is suggested that each applicant obtain from the Office of Price Administration, Washington, D. C., a statement of the specific information that will be necessary in order that his application may receive prompt action.

SEC. 13. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 14. *Definitions.* (a) When used in this regulation the term:

(1) "Person" means an individual, corporation, partnership, association, or any other organized group of persons, or legal successors or representatives of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of the foregoing.

(2) "Manufacturer" has the meaning stated in section 4 above.

(3) "Writing paper and certain other fine papers" has the meaning stated in section 4 above.

(4) "Merchant" means any person who buys and resells any of the writing papers and certain other fine papers listed in the Appendices to this regulation, except

(i) Retailers, and
(ii) Manufacturers buying writing papers and certain other fine papers from another manufacturer and reselling them.

"Merchant" also includes a manufacturer selling papers referred to in this regulation of his own manufacture, and a person affiliated with such manufacturer through any community of ownership if, and only if, the Office of Price Administration shall find that he operates as a bona fide merchant. Any such manufacturer or affiliate claiming to operate as a merchant shall file an application for a ruling in the manner

² 8 F.R. 4132, 5987, 7662.

³ 8 F.R. 7556.

⁴ 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

specified in section 16 (b) of Maximum Price Regulation No. 400.

(5) "Direct sales" include all sales not made to or through a merchant.

(6) "Highest price charged" during a specified period means the highest price which the manufacturer charged for a delivery of a grade of paper referred to in this regulation during that period, or, if the manufacturer made no such delivery, his highest offering price for delivery during that period.

(7) "Delivered." Papers referred to in this regulation shall be deemed to have been "delivered" during any specified period if during such period they were received by the purchaser or by any carrier, including a carrier owned or controlled by the manufacturer, for shipment to the purchaser.

(8) "Offering price" means the price quoted in the manufacturer's price list, or, if he had no such price list, the price which he regularly quoted in any other manner.

(9) Substance means the weight in pounds for 500 sheets of paper size 17x22 inches.

(10) "Retailer" means any person, the major portion of whose sales are to ultimate consumers other than industrial, commercial or institutional users or government agencies.

(11) "Job lots" and "seconds" means substandard qualities of writing paper resulting from faulty manufacture or overruns customarily unacceptable to a buyer, which occur during a bona fide attempt to manufacture writing papers of acceptable quality and quantity.

(b) Unless the text otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

SEC. 15. Introductory pricing provisions. This section states certain general pricing provisions which the manufacturer must consider along with the appropriate specific pricing provisions of Appendices A, B, C or D in order to determine the maximum prices that he may charge for the papers covered by this regulation. Appendix A contains specific pricing provisions concerning rag content writing papers, Appendix B concerns chemical woodpulp writing papers, and Appendix C concerns unclassified grades of writing papers and certain other fine papers. Appendix D governs certain types of direct sales.

The first step in determining the maximum price applicable to the sale of any such paper is to arrive at the maximum base price. To this maximum base price there may be added or shall be subtracted, as the case may be, all applicable differentials, charges, discounts, allowances, and other pricing elements that customarily enter into a manufacturer's calculations of his selling price. The price arrived at after the addition or subtraction of these pricing elements is the permissible maximum price.

In Appendices A and B are listed certain grades of writing paper for which

specific dollar and cent maximum base prices are stated. Also listed in these Appendices are certain "related grades," maximum base prices for which shall be computed in accordance with the method set forth in paragraph (b) of this section 15. Differentials, charges, discounts, allowances, and other pricing elements shall be determined by referring to this section 15 and to the pricing provisions contained in the paragraph of Appendix A, B, C or D under which the maximum base price of the paper being priced has been determined. The provisions of this section 15 shall apply except where inconsistent with the pricing provisions of that paragraph, in which case the latter provisions shall apply.

(a) *Identification of grades.* It shall be the duty of each person who manufactures any paper covered by this regulation to determine in the first instance, but subject to review and official classification by the Administrator at any time thereafter, under which of the grades listed in this regulation each of such papers manufactured by him belongs. There shall be taken into account in any review and reclassification by the Administrator the designation by which the manufacturer heretofore identified the paper in question, the common designation in the paper trade of similar papers selling within the same general price range, and the common designation in the paper trade of papers possessing the same general physical characteristics, manufactured by the same general processes, or commonly distributed and used for the same general uses as the paper in question. If a manufacturer is uncertain as to the proper grade under which to classify a particular kind of paper, or whether this regulation applies to a particular kind of paper, he may apply to the Administrator in writing for an official classification of such paper, submitting the following with his application:

- (1) Representative samples;
- (2) Description of special processes of manufacture;
- (3) Price range of sales;
- (4) Brand and grade name of or sample of closest type of paper with which it competes.

The Administrator may make such an official classification whether or not such an application has been submitted. Any official classification may be made either by letter or telegram. After an official classification has been thus transmitted to a manufacturer it remains subject to review and reclassification by letter or telegram, but no reclassification may operate retroactively.

On or before October 1, 1943, each manufacturer shall file with the Office of Price Administration in Washington, D. C. a statement of the mill brand name under which he sells any grade, and of the grade classification established by this regulation under which he proposes to price each such writing paper. With respect to grades under Appendices A and B first produced by the manufacturer

after September 1, 1943, this material shall be filed within 30 days after the first sale of each such new grade. Material which is already on file with the Office of Price Administration need not be filed again.

(b) *Related grades.* (1) Following each listing of grades for which specific dollar and cent maximum base prices have been established are cited certain papers designated "related grades." "Related grades" include not only those cited as such, but also all other grades which have been considered by the industry to be related to the listed grades. The maximum base price for any such related grade shall be determined as follows:

The manufacturer shall determine the highest base price charged by him during the period October 1, 1941 to March 31, 1942 for the related grade and shall ascertain the difference between that price and the highest base price charged by him during the same period for that grade listed in connection with such related grade for which a dollar and cent maximum base price is provided and which is closest in price to the related grade. The difference between the highest base price charged for the related grade and the maximum base price for the listed grade shall be added to or subtracted from, as the case may be, the maximum base price stated in this regulation for the listed grade. The total shall constitute the maximum base price for the related grade being priced. To that maximum base price there shall be applied the same differentials, charges, discounts, allowances and other pricing elements as are applicable to the listed grade.

(2) In those cases where a manufacturer is unable to price a related grade under subparagraph (1) of this paragraph (b), he shall price it under Appendix C.

(c) *Jobs and seconds.* "Job lots" and "seconds" shall be priced by each manufacturer in accordance with his practice during the period October 1, 1941, through March 31, 1942. The invoice covering any sale of job lots or seconds shall state that the paper is a "job lot" or "seconds."

(d) *Pricing point and freight allowance.* All maximum prices listed in Appendices A and B are, unless otherwise specified, f. o. b. mill, lowest available carload rate of freight allowed to destination or to buyer's home city, whichever rate is lower; except that in those cases where it was the customary practice for the particular manufacturer during the period October 1, 1941 to March 31, 1942 to omit such allowance for shipments under 250 pounds he may continue to do so.

(e) *Zone differentials.* Except where otherwise specified, the following differentials may be added for delivery in zones other than Zone 1.

Zone 1	Base Price
Zone 2	\$.20 per cwt.
Zone 3	.40 per cwt.
Zone 4	.80 per cwt.

(f) Zones.

"Zone 1" includes the following states and cities:

Connecticut	New Jersey
Delaware	New York
District of Columbia	North Carolina
Illinois	Ohio
Indiana	Pennsylvania
Iowa	Rhode Island
Kentucky	Tennessee
Maine	Vermont
Maryland	Virginia
Massachusetts	West Virginia
Michigan	Wisconsin
Minnesota	Omaha, Nebraska
Missouri	Sioux Falls, S. D.
New Hampshire	

"Zone 2" includes the following states:

Alabama	North Dakota
Arkansas	Oklahoma
Florida	South Carolina
Georgia	Nebraska (excluding Omaha)
Kansas	South Dakota (excluding Sioux Falls)
Louisiana	
Mississippi	

"Zone 3" includes the following states:

Colorado	Wyoming
Texas	

"Zone 4" includes the following states:

Arizona	New Mexico
California	Oregon
Idaho	Utah
Montana	Washington
Nevada	

(g) *Titanium dioxide, zinc oxide, or their equivalent.* If titanium dioxide, zinc oxide, or their equivalent are used in the manufacture of writing paper in sufficient quantity so that the percentage of such material retained in the paper can be shown by laboratory analysis to amount to 1% or more of titanium dioxide, or, as the case may be, of material which has the effect equal to 1% of titanium dioxide, there may be added \$1.00 per cwt. for substance weights 11 pounds and heavier. For substance weights under 11 pounds 25¢ per ream 17x22-500 may be added.

(h) *Other differentials, charges, discounts and allowances.* Wherever not specifically provided for in this Section 15 or in the Appendices, differentials, charges, discounts, allowances, and other pricing elements shall be applied in accordance with manufacturer's customary practices during the period October 1, 1941 through March 31, 1942.

Sec. 16. *Sales to the United States Government or any agency thereof.* The maximum price for sales to the U. S. Government or any agency thereof shall be the maximum price for the sale of that paper by a manufacturer as listed in this Regulation, less a discount of 3%, except that the maximum price for sales of the following Special government grades shall be as listed below less a discount of 3%.

	Per cwt.
100% Rag Bond	\$25.00
25% Rag Mimeograph	10.50
Chemical Woodpulp Manifold	10.25

Appendix A: *Maximum prices for rag content writing papers—(a) Rag content bond papers and related grades.* The following maximum base prices are for substance 20 and heavier, for white,

wove or laid, ream-sealed, trimmed or untrimmed, packed in standard cartons, standard cases, bundles or on skids (minimum 2,500 lbs. net), in quantities equivalent to four cartons or more of one grade.

(1) *Base prices.*

Grade	Maximum base price per cwt. Zone 1 20 lbs. or heavier	16 lbs.
Extra 100% Rag Bond	\$34.00	\$34.00
100% Rag Bond	28.00	28.00
75% Rag Bond	20.00	20.00
50% Rag Bond	16.00	17.25
25% Rag Bond	14.00	15.00

Related grades include but are not limited to: Rag parchment, diploma, writings, certificate paper, policy paper, easy-erasing bonds.

(2) *Differentials—(i) Substance weights.*

Substance weights 11 lbs. up to 16 lbs. may be charged for at the price per ream of substance weight 16 lbs.

(ii) *Quantity.*

1-4 cartons (or equivalent of one grade, no item less than 1 carton)	+ \$1.00 per cwt.
Broken cartons	+ .50 per carton
Broken package	+ 25% on package price

(iii) *Colors.*

Regular colors----- + \$.75 per cwt.

(iv) *Finish.*

Linen	+ \$3.00 per cwt.
Ripple	+ 3.00 per cwt.
Sheet plating	+ 3.00 per cwt.

(v) *Cutting to small sizes:*

The following differentials include wrapping, banding or divider marking in 500 sheet reams.

84 to 336 sq. in.	+ \$.50 per cwt.
42 to 84 sq. in.	+ .75 per cwt.
Less than 42 sq. in.	+ 1.00 per cwt.

(b) *Rag content ledger papers and related grades.* The following maximum base prices above are for white, wove, ream-sealed, trimmed or untrimmed paper packed in standard cartons, standard cases, bundles or on skids (minimum 2,500 lbs. net) in quantities equivalent to four cartons or more of one grade.

(1) *Base prices.*

Grades:	Maximum base prices per cwt. Zone 1
Extra 100% Ledger	\$35.00
100% Rag Ledger	29.00
85% Rag Ledger	26.00
75% Rag Ledger	21.00
50% Rag Ledger	17.00
25% Rag Ledger	15.00

Related grades include but are not limited to: Looseleaf ledger paper, machine posting ledger paper, hinged ledger paper.

(2) *Differentials—(i) Quantity.*

Orders for 1 to 4 cartons (or equivalent) of one grade, no item less than 1 carton	+ \$1.00 per cwt.
Broken cartons	+ .50 per carton.
Broken package	+ 25% on package price.

(ii) *Colors.*

Regular colors----- + \$.75 per cwt.

(c) *Rag content onionskin and manifold papers and related grades.* The following maximum base prices are for a ream (500 sheets) size 17" x 22", in basis weights of 7 lbs. to 9 lbs. inclusive for white, wove or laid, ream-sealed, trimmed or untrimmed paper, packed in cartons or cases.

(1) *Base prices.*

Grade:	Maximum Base Price Per Ream
100% Rag Onionskin and/or Manifold	\$3.50
75% Rag Onionskin and/or Manifold	2.70
25% Rag Onionskin and/or Manifold	2.30

Related grades include but are not limited to: 50% Rag Manifold.

(2) *Exception to general rule on freight absorption and zone differentials.* The general rule as stated in section 15 (d) and (e) is modified as follows: Maximum prices are f. o. b. mill with lowest available carload rate of freight allowed to buyer's home city on a sale of two cartons or more. No freight allowance is required on shipments of less than two cartons. Zone differentials are not permitted.

(3) *Differentials—(i) Quantity.*

Broken package--- + 25% on package price

(ii) *Colors.*

Regular colors for size 17 x 22—500 sheets----- + \$.10 per ream

Color differentials for other sizes are figured proportionately to the nearest 5¢ per ream.

(iii) *Finish.*

No differential shall be applied to regular finishes such as dull, glazed or cockle.

(iv) *Sizes.*

For sizes other than 17 x 22 maximum prices are computed to the nearest 5¢ per ream in proportion to the price for 17 x 22—500 sheets. Cut sizes are computed to the nearest 1¢ per cut ream.

(v) *Cutting to small sizes.*

Cutting to smaller sizes than 16 x 21 or 336 sq. in. (including wrapping, banding and sealing in reams or packages).

500 sheets of final cut size	+ \$.03
1000 sheets of final cut size	+ .06

(d) *Rag content weddings and related grades:*

The following maximum base prices are for white plater vellum wove, trimmed, ream-sealed paper packed standard cartons, standard cases, framed bundles or on skids (not less than 2,500 lbs. net) in quantities equivalent to four cartons of one grade.

(1) *Base prices.*

Grade:	Maximum Base Price Per Cwt. Zone 1
Extra 100% Rag Wedding	\$35.00
100% Rag Wedding	30.00
75% Rag Wedding	25.00
50% Rag Wedding	20.00
25% Rag Wedding	16.00

Related grades include but are not limited to: Wedding bristols, pasted vellums and pape-teries.

(2) Differentials.

(i) Quantity

1 to 4 cartons (or equivalent) of one grade no item less than 1 carton	+ \$1.00 per cwt.
10,000 lbs. or over of one grade	- .25 per cwt.
10,000 lbs. or over of one item	- .50 per cwt.

(ii) Packing

Ream marked or unsealed	- .25 per cwt.
On skids (2500 lbs. net or more)	- .15 per cwt.
Untrimmed	- .15 per cwt.

(iii) Colors

Regular colors	+ \$1.00 per cwt.
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(iv) Finishes

Plater Plate	+ \$1.00 per cwt.
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(v) Pasting

Pasting 2 or 3 ply	+ \$3.00 per cwt.
Pasting any ply in excess of 3	+ \$5.00 per cwt.

(e) Rag content index and related grades

The following maximum base prices are for white, trimmed or untrimmed paper sealed in 100 sheet packages, if in sizes no larger than 25½ x 30½, and not heavier than 440 lbs. per 1,000 sheets, packed in cartons, cases or on skids (minimum 2,500 lbs. net or more) in quantities equivalent to four cartons or more.

(1) Base prices.

Grade:	Maximum Base Prices Per Cwt. Zone 1
Extra 100% Rag Index	\$34.00
100% Rag Index	28.00
75% Rag Index	22.50
50% Rag Index	16.50
25% Rag Index	14.00

Related grades include but are not limited to: Converting rag index, special rag bristol.

(2) Differentials.

(i) Quantity

1 to 4 cartons or equivalent of one grade, no item less than one carton	+ \$1.00 per cwt.
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(ii) Colors

Regular colors	+ .75 per cwt.
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(f) Rag content and "no rag" blue-print, rag negative paper base stock and related grades

The following maximum prices apply to standard wrapped rolls.

(1) Maximum Prices

Grade:	Maximum Prices Per Cwt. Zone 1
Negative Sub. 14 (Any Quantity)	\$34.50

	Carload	Less than Carload
100% Rag Blue Print:		
Sub. 17	\$23.00	\$23.50
Sub. 20½	22.00	22.50
Sub. 24	22.00	22.50

	Carload	10,000 lbs. to Carload	Less than 10,000 lbs.
50% Rag Blue Print:			
Sub. 17	\$16.50	\$17.50	\$18.50
Sub. 20½	15.50	16.50	17.50
25% Rag Blue Print:			
Sub. 17	14.50	15.50	16.50
Sub. 20½	13.50	14.50	15.50
No Rag:			
Sub. 17	13.00	14.00	15.00
Sub. 20½	12.00	13.00	14.00

Related grades include but are not limited to: Direct line, brown print, blue line, Van Dyke.

(g) Rag content cover papers and related grades.

Rag content Cover Papers and Related Grades include those specialty cover papers which are used primarily for instruction books, reference books, manuals, proposal covers, catalog covers, price lists, menus and specialties. Not included are coated, printed or decorated covers which are commonly made by converters and for which maximum prices are established by Maximum Price Regulation No. 129.

The following maximum base price applies to white, or regular colors, paper packed in standard cartons or standard cases, in quantities equivalent to four cartons to 5,000 lbs.

(1) Base prices.

Maximum base
prices per cwt.,
Zone 1

Grade:	
25% rag cover, machine finish or antique, plain edge	\$12.50

Related grades include but are not limited to: other Rag content cover papers.

(2) Differentials.

(i) Quantity

Broken cartons	+ \$.50 per Unit
1 to 4 cartons assorted, no less than 1 carton of an item	+ 5%
5,000 lbs. to 10,000 lbs., one item	- 3%
10,000 lbs. to 36,000 lbs., one item	- 5%
36,000 lbs. or over, one item	- 7½%

(ii) Packing

Jumbo rolls not less than 11 inches wide, and 20 in. in diameter allowance	- \$.50 per cwt.
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(iii) Colors

For Black	+ 2¢ per lb.
For Red and Scarlet	+ 3½¢ per lb.

(iv) Finish

All fancy finishes, 4 cartons up	+ 2¢ per lb.
Fancy finishes, less than 4 cartons	+ 2½¢ per lb.

(v) Cutting to small sizes

One way cutting for first cut	+ 25 per cwt.
For each additional cut	+ 10¢ per cwt.
Two way cutting down to 84 sq. in.	+ 50¢ per cwt.
Cutting between 84 and 42 sq. in.	+ \$1.00 per cwt.
Cutting under 42 sq. in.	+ 2.00 per cwt.

* 7 F.R. 3178, 3242, 3482, 3554, 4176, 4668, 5712, 5780, 5943, 7974, 8938, 8948, 9131, 9724, 10152, 10812; 8 F.R. 1369, 2237, 4635.

(vi) Pasting

Deckle edge, 2 or 3 ply	+ 3¢ per lb.
Plain edge, 2 or 3 ply	+ 2¢ per lb.
Plain edge, excess of 3 ply	+ 4¢ per lb.

Appendix B: Maximum Prices for Chemical Wood Pulp Writing Papers

(a) Chemical wood pulp bond papers and related grades. The following maximum base prices are for white, wove, machine finish, ream-sealed, trimmed or untrimmed paper packed in standard cartons, standard cases, (except unwatermarked bond) bundles or on skids (minimum 2,500 lbs. net) in quantities of 1 carton or more, substance 20 lbs. or heavier. In the case of air dried bond, the base price applies to four cartons or more of an item.

(1) Base prices.

Grade	Maximum Base Prices Per Cwt. Zone 1 20 lbs. & Heavier	16 lbs.
Air dried Bond (Watermarked)	\$12.75	\$13.70
#1 Bond (M. F.) Watermarked	9.00	9.70
#2 Bond (M. F.) Watermarked	8.25	8.85
Plain Bond (M. F.) Unwatermarked	7.60	8.20

Related grades include but are not limited to: Register bond, fan form and salesbook bond, writings, addressograph, special colored or special watermarked bonds, special purpose bonds.

(2) Differentials.

(i) Substance weights. Substance weights 11 lbs. up to 16 lbs. may be charged for at the price per ream of substance weight 16 lbs. In computing the price in rolls for such intermediate weights, the cwt. price shall be multiplied by 16, and divided by the substance ordered, figured to the nearest cent per cwt.

(ii) Quantity

1-4 cartons (or equivalent) of air dried bond, no item less than one carton	+ \$1.00 per cwt.
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(iii) Packing

Plain bond packed in cases	+ .25 per cwt.
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(iv) Colors

Regular colors	+ .75 per cwt.
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(v) Finish

Linen, ripple and other special finishes	+ \$3.00 per cwt.
Sheet plating	+ 3.00 per cwt.

(vi) Cutting to small sizes. The following differentials include wrapping, banding or divider marking in 500 sheet reams.

84 to 336 sq. in.	+ .50 per cwt.
42 to 84 sq. in.	+ .75 per cwt.
Less than 42 sq. in.	+ 1.00 per cwt.

(b) Chemical woodpulp ledger papers and related grades. The following maximum base prices are for white, wove, machine finish, ream-sealed, trimmed or untrimmed paper packed in standard cartons, standard cases (except unwater-

marked ledger), bundles or on skids (minimum 2,500 lbs.) in quantities of 1 carton or more.

(1) *Base prices.*

Grade:	Maximum Base Price Per Cwt. Zone 1
#1 Ledger (M. F.) Watermarked	\$10.00
#2 Ledger (M. F.) Watermarked	9.25
Plain Ledger (M. F.) Unwatermarked	8.60

Related grades include but are not limited to: Looseleaf machine posting ledgers and special chemical woodpulp ledgers.

(2) *Differentials.*

(i) *Packing*

Plain ledger packed in cases... +\$.25 per cwt.

(ii) *Colors*

Regular colors... +.75 per cwt.

(c) *Chemical woodpulp onionskin and manifold papers and related grades.* The following maximum base prices are for white wove, or laid paper, trimmed, ream-sealed and packed either in cartons or cases or on skids, for size 17 x 22. For other sizes, the maximum prices shall be figured proportionately by size to the nearest cent per 1,000 sheets.

(1) *Base prices.*

Grade	Maximum base price per M sheets	
	Basis weight 7 to 9 lbs. (17x22-500)	Basis weight 10 lbs. (17x22-500)
No. 1 Watermarked	\$2.60	\$2.80
No. 2 Watermarked	2.40	2.60
No. 2 Unwatermarked	2.30	2.50
Plain Unwatermarked	2.10	2.30

Related grades include but are not limited to: manifold tissues.

(2) *Exception to general rule on freight absorption and zone differentials.* The general rule as stated in Section 15 (d) and (e) is modified as follows: On orders for less than 250 lbs., maximum prices are f. o. b. mill, with no freight allowance required. On orders for 250 lbs. or more, maximum prices are f. o. b. mill with lowest available carload rate of freight allowed to buyer's home city, except that the manufacturer is not required to make such allowances at any rate in excess of \$1.00 per cwt. Zone differentials are not permitted.

(3) *Differentials.*

(i) *Quantity*

Broken carton or bundle... +\$.50 per carton or bundle

(ii) *Packing*

Unsealed paper, ream-marked... -.04 per 1,000 sheets
For jumbo rolls... -.01 per lb.

(iii) *Colors*

Regular colors for size 17 x 22... +.20 per 1,000 sheets
Color differentials for other sizes are figured proportionately.

(iv) *Finish*

For size 17 x 22, glazed... +.30 per 1,000 sheets
For size 17 x 22, cockle... +1.00 per 1,000 sheets

Finish differentials for other sizes are figured proportionately.

(v) *Cutting and Sealing*

Cutting to size smaller than 16 x 21 or 336 sq. in., including sealing in 500 or 1,000 sheet packages (final cut size)... +.06 per 1,000 sheets

Same, boxed... +.10 per box

(d) *Chemical wood pulp papeteries, weddings and related grades.* The following maximum base prices are for white, wove, machine vellum paper, trimmed, ream-sealed, packed in standard cartons in quantities equivalent to 4 cartons to 2,000 lbs.

(1) *Base prices.*

Grade:	Maximum Base Price Per Cwt. Zone 1 20 lbs. & heavier
No. 1 Papeterie or Wedding	\$11.50
No. 2 Papeterie or Wedding	10.15
No. 3 Papeterie or Wedding	9.20

Related grades include but are not limited to: Pasted vellums, converting vellums, deckle-edge variations, and specialties in the same finish category.

(2) *Differentials.*

(i) *Quantity*

1 to 4 cartons or equivalent, one grade... +\$.25 per cwt.
4 cartons to 2,000 lbs... Base Price
2,000 to 5,000 lbs... -.25 per cwt.
5,000 lbs. and over, one item... -.50 per cwt.

(ii) *Packing.*

In unframed bundles or on skids, 2,500 lbs. net or more... -.15 per cwt.
Untrimmed paper... -.15 per cwt.
Unsealed paper... -.25 per cwt.
Cases... +.25 per cwt.

(iii) *Colors*

Regular colors... +.75 per cwt.
Granite and heavy colors... +1.00 per cwt.

(iv) *Finish*

All finish differentials below are additional charges per cwt., for secondary finishes in substance 24 and heavier.

Finish	1 carton to 1,999 lbs.	2,000 lbs. to 4,999 lbs.	5,000 lbs. to 9,999 lbs.	10,000 lbs. and over
Plater finishes:				
Vellum	\$2.50	\$2.00	\$1.50	\$1.25
Ripple	2.50	2.00	1.50	1.25
Section linen	2.50	2.00	1.50	1.25
Plate	3.50	3.00	2.50	2.00
Medium plate	3.50	3.00	2.50	2.00
Lawn	3.50	3.00	2.50	2.00
Fancy	3.50	3.00	2.50	2.00
Bunch plating	2.50	2.00	1.50	1.25
Sheridan Press Sheets	4.00	4.00	4.00	4.00
Sheet Calendar Finishes:				
Vellum	2.00	1.50	1.00	0.75
Plate	2.50	2.00	1.50	1.25
Roll Finishes:				
Supercalendering				
Once Through	0.50	0.50	0.50	0.50
Twice Through	1.00	1.00	1.00	1.00
Rotary Ripple U				
Linen Finishes	2.50	2.00	1.50	1.25
Roll Embossing (once through)	2.50	2.00	1.50	1.25
Roll Embossing (both sides)	3.75	3.00	2.25	1.88

(e) *Chemical wood pulp index bristol and related grades.* The following maximum base price applies to trimmed white paper packed in standard cartons, standard cases or framed bundles in quantities equivalent to 4 cartons to 9,999 lbs.

(1) *Base prices.*

Grade:	Maximum Base Price Per Cwt., Zone 1
No. 1 Index Bristol	\$10.50
No. 2 Index Bristol	9.50
No. 3 Index Bristol	8.50

Related grades include but are not limited to: Mill bristol, printing bristol, postcard except uncoated for Federal Government, greeting card bristol, jewelry card bristol, lampshade bristol, listing card bristol, menu card bristol, photogelatin bristol, stiffener bristol, check bristol, folding bristol.

(2) *Differentials.*

(i) *Quantity*

1 carton or bundle to less than 4 cartons or bundles... +\$.25 per cwt.
4 cartons or bundles to 9,999 lbs... Base Price
10,000 lbs. to 19,999 lbs... -2%
20,000 lbs. to 35,999 lbs... -3%
36,000 lbs. or over... -4%

(ii) *Special sizes*

127 to 336 sq. in... +\$.50 per cwt.
64 to 127 sq. in... +1.00 per cwt.
Sizes 336 sq. in. or less in orders under 2,000 lbs... +1.00 per cwt. additional

Wrapping or banding sizes

336 sq. in. or less... +.50 per cwt. additional

(iii) *Packing*

Rolls
10 in. or more in width and 24 in. or more in diameter... Under 2,000 lbs. (one item)... +1.00 per cwt.
2,000 to 10,000 lbs. (one grade)... Base Price
10,000 to 36,000 lbs. (one grade)... -25 per cwt.
36,000 up (one grade)... -40 per cwt.
Narrow rolls
10"-6" width... Roll price... +.50 per cwt.
6"-2" width... Roll price... +.75 per cwt.
Small diameter rolls
24"-17" diameter... Roll price... +.25 per cwt.
17"-12" diameter... Roll price... +.50 per cwt.

Unframed bundles, 5,000 lbs. or more... -.15 per cwt.
Skids, 3,000 lbs. or more... -.15 per cwt.
Odd skids, under 3,000 lbs. net, in conjunction with a full one (3,000 lbs. net or more)... -.15 per cwt.

(iv) *Colors*

Regular colors... +.75 per cwt.

(f) *Chemical wood pulp cover paper and related grades*

Chemical Wood Pulp Cover Papers and related grades include those specialty cover papers which are used primarily for instruction books, reference books, manuals, proposal covers, catalogue covers, price lists, menus and specialties. Not included are coated, printed or decorated covers which are commonly made by converters and for which maximum

prices are established by Maximum Price Regulation No. 129.

The following maximum base prices are for white and regular colors, antique or machine finish, trimmed or untrimmed, sealed or unsealed in quantities equivalent to 4 cartons to 5,000 lbs. packed in standard cartons, standard cases or on skids.

(1) *Base prices.*

Grade:	Maximum Base Price Per Cwt. Zone 1
No. 1 Cover Plain Edge.....	\$10.50
No. 2 Cover Plain Edge.....	9.50
No. 3 Cover, 25% Groundwood Plain Edge.....	8.00

Related grades include but are not limited to: Sized and Supercalendered Covers, and all fancy finish covers made by paper manufacturers. Related grades do not include coated, printed or decorated covers which are commonly made by converters, the maximum prices of which are governed by Maximum Price Regulation No. 129.

(2) *Exception to general rule on freight absorption and zone differentials.*

The general rule as stated in Section 15 (d) and (e) applies on shipments to a distributor's home city. On shipments to other than a distributor's home city, maximum prices are f. o. b. mill, with no freight allowance required and with zone differentials permitted.

(3) *Differentials.*

(i) *Quantity*

1 to 4 cartons assorted, no less than	
1 carton on an item.....	+5%
5,000 to 9,999 lbs. (one item).....	-3%
10,000 to 35,999 lbs. (one item).....	-5%
36,000 lbs. and over. (one item).....	-7½%

(ii) *Packing*

Jumbo rolls not less than	
11" wide, 20" diameter.....	-\$0.50 per cwt.

(iii) *Colors*

For black.....	+ .02 per lb.
For red or scarlet, #1 Cover.....	+ .03½ per lb.
For red, #2 and #3 Cover.....	+ .02¾ per lb.

(iv) *Cutting to small sizes*

One way cutting for first cut.....	+ .25 per cwt.
For each additional cut.....	+ .10 per cwt.
Two way cutting down to 84 sq. in.	+ .50 per cwt.
From 83 to 42 sq. in.	+ 1.00 per cwt.
Under 42 sq. in.	+ 2.00 per cwt.

(v) *Pasting*

Deckle edge, 2 or 3 ply.....	+ .03 per lb.
Plain edge, 2 or 3 ply.....	+ .02 per lb.
Plain edge, in excess of 3 ply.....	+ .04 per lb.

(g) *Chemical wood pulp mimeo and related grades.* The following maximum base prices are for white, wove, machine finish, ream-sealed, trimmed or untrimmed paper packed in standard cartons, standard cases, except plain unwatermarked mimeo, bundles or on skids (minimum 2,500 lbs. net) in quantities of one carton or more of one grade.

(1) *Base prices.*

Grade:	Maximum Base Price Per Cwt. Zone 1
#1 Mimeo Watermarked.....	\$9.00
#2 Mimeo Unwatermarked.....	8.25
Plain Mimeo Unwatermarked.....	7.60

Related grades include but are not limited to: Spirit and gelatin duplicator, multilith and other duplicating papers

(2) *Differentials.*

(i) *Packing differentials*

Plain unwatermarked mimeo packed in cases.....	+.25 per cwt.
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(ii) *Colors*

Regular colors.....	+ .75 per cwt.
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(h) *Chemical wood pulp opaque circular paper and related grades.* The following maximum base price is for white, English or vellum finish paper, trimmed four sides, ream-marked or ream-sealed (in standard sizes) standard cartons or standard cases, in quantities equivalent to four cases to 5,000 lbs. of one grade.

(1) *Base prices.*

Grade:	Maximum Base Price Per Cwt. Zone 1 16 lbs.
Opaque Circular.....	\$10.15

(2) *Differentials.* (i) *Substance weights.* Substance weights below 16 lbs. may be charged for at the price per ream of substance weight 16 lbs.

(ii) *Quantity*

1 carton to less than 4 cartons, assorted, no item less than one carton.....	+.50 per cwt.
4 cartons to less than 16 cartons, assorted, no item less than one carton.....	+.25 per cwt.
5,000 lbs. to 9,999 lbs., one item.....	-.25 per cwt.
10,000 lbs. to 35,999 lbs., one item.....	-.40 per cwt.
36,000 lbs. and over, one item.....	-.50 per cwt.
Orders for less than carton quantities whether ordered with or without full carton, service charge for each item.....	+.50 per cwt.

(iii) *Packing*

Skid packing, minimum 2,500 lbs. net.....	-.10 per cwt.
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(iv) *Sealing*

Sealing other than standard sizes.....	+.25 per cwt.
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Appendix C—Unclassified Grades

Grades of writing paper and of certain other fine papers which are not covered by Appendices A or B are denominated "unclassified" grades. Maximum prices for such unclassified grades shall be determined in accordance with the provisions of this Appendix C. Without limitation, unclassified grades include the following:

Bible Paper (above A Grade Book)
Braille Paper
Calendar Roll
Carbonizing (above A Grade Book)
Chart Paper
Cigarette Paper
Colored Construction & School Paper
Condenser Tissue
Drawing Paper (above A Grade Book)
Duplicating Impression and Master Sheet
Facing and Lining Paper
Gelatin and Spirit Process Duplicating Paper
Greeting Card Tissue
Manuscript Cover
Map Paper
Meter Paper
Photographic Base Paper

Rag News
Safety Paper Base Stock
Saturation Paper (Rag, Cotton, and/or High Alpha Cellulose Content)
Stencil and Lens
Text Paper (above A Grade Book)
Tracing Paper

The maximum base price for any unclassified grade of writing paper shall be determined under Paragraph (a) of this Appendix C in all instances where the manufacturer delivered or offered for delivery the same or a similar grade during the period October 1, 1941 through March 31, 1942. If the manufacturer did not deliver or offer for delivery the same or a similar grade during that period, the maximum base price shall be determined under Paragraph (b) of this Appendix C.

"Similar" Grade" means a grade that is considered by the manufacturer to be in the same general category, which has the same general characteristics, is capable of the same general uses, is made by the same process and machine operations in the same range of basis weights, and is customarily or normally sold in the same price range.

The "maximum base price" is arrived at by taking the highest price charged and adjusting that price downward or upward, as the case may be, in accordance with the differentials, charges, discounts, allowances and other pricing elements that entered into the manufacturer's calculations of his selling price for such grade during the period October 1, 1941, through March 31, 1942.

(a) The maximum price for an unclassified grade of paper which the manufacturer delivered or offered for delivery during the period October 1, 1941, to March 31, 1942, shall be determined as follows: The manufacturer shall determine the highest base price charged by him during that period for the same or a similar grade. To the maximum base price thus determined there shall be added or subtracted, as the case may be, any applicable differentials, discounts, charges, allowances, or other pricing elements as set forth in Section 15 of this regulation. The price arrived at after the addition or subtraction of these pricing elements is the permissible maximum price.

(b) The maximum base price for an unclassified grade of paper which was not delivered or offered for delivery by the manufacturer during the period October 1, 1941, through March 31, 1942, shall be a price "in line" with the maximum price established by this regulation for the most comparable grade of paper. The "most comparable grade" of paper shall wherever possible be one of the grades listed in Appendix A or B, if the manufacturer deals in any of those grades. If he does not, it shall wherever possible be a grade for which he has determined a maximum price under paragraph (a) of this Appendix C. The "most comparable grade" of paper be one which is manufactured for the same general use or uses as the grade being priced, and which the manufacturer is currently producing at a total

cost which is closer to the total cost of the grade being priced than is the total cost of any other grade listed under Appendix A or B, or, as the case may be, of any grade for which a maximum price has been determined under paragraph (a) of this Appendix C.

A price shall be "in line" only if the difference between that price and the price for the most comparable grade of writing paper is not in excess of the dollar and cent difference between the total cost of that grade and the total cost of the most comparable grade. Total cost in such case shall be computed on the basis of costs prevailing at the time when such in line price is being determined and in accordance with the manufacturer's method of determining total costs during March 1942.

To the maximum "in line" base price thus determined for such unclassified grade there shall be applied the differentials, charges, discounts, allowances, and other pricing elements as set forth in section 15 of this regulation, wherever applicable. The price after the addition or subtraction of any such applicable pricing elements shall be the maximum price.

A maximum price determined by a seller under this paragraph (b) must be reported to and confirmed by the Office of Price Administration. If this confirmation is not obtained prior to the time of making the sale, the seller must agree to refund to the purchaser any amount paid in excess of the confirmed maximum price. Confirmation of a maximum price determined under this paragraph (b) shall be obtained as follows: The seller must submit to the Office of Price Administration in Washington, D. C., a statement setting forth all of the relevant facts including the following:

(i) Description of the grade being priced;

(ii) Completed Form Q-52 (forms available upon application to the Paper and Paper Products Branch, Office of Price Administration, Washington, D. C.) which covers cost and price data on that grade and on the most comparable grade with which the price comparison was made;

(iii) A sample sheet of each grade.

When the maximum price as proposed is not disapproved by the Office of Price Administration within 20 days after the above material is filed, it shall be considered confirmed. Confirmation need be obtained only once with respect to each grade involved.

Appendix D—Maximum Prices for Certain Types of Direct Sales

(a) Notwithstanding anything contained in the Appendices A, B, or C, any manufacturer who in making direct sales of any of the papers covered by this regulation performs services not generally performed by manufacturers and who has consequently customarily charged higher prices upon such sales than upon

sales to merchants, may determine his maximum price for such sales under paragraph (b) below, *providing* he has filed with the Office of Price Administration in Washington, D. C., Code 695, on or before September 15, 1943, a statement explaining to what extent he performs such services and explaining his system of mark-ups with respect to such direct sales. If manufacturer has rendered such services and charged such higher prices only in particular areas or upon certain types of direct sales or to certain types of direct purchasers, he shall set forth these customary practices in reasonable detail. Any information already on file with the Office of Price Administration may be incorporated into the statement by reference. After filing this statement manufacturer may determine his maximum price under paragraph (b) of this Appendix D for all direct sales covered by the statement, unless and until he is advised by the Office of Price Administration in writing that all or part of such sales must be priced under Appendices A, B, or C.

(b) The maximum price for direct sales by a manufacturer who has complied with the requirements of paragraph (a) of this Appendix D shall be determined as follows: The manufacturer shall determine the highest base price charged by him during the period October 1, 1941 through March 31, 1942, upon a sale of the same or a similar grade to the same purchaser or to a purchaser to whom manufacturer would customarily sell at the same price. The term "similar grade" has the meaning stated in Appendix C. The "maximum base price" is arrived at by taking the highest price charged and adjusting that price upward or downward, as the case may be, in accordance with the differentials, charges, discounts, allowances and other pricing elements that entered into the manufacturer's calculation of his selling price upon such direct sales during the period October 1, 1941 through March 31, 1942.

To the maximum base price thus determined there shall be added or subtracted, as the case may be, any applicable differentials, discounts, charges, allowances, or other pricing elements as set forth in Section 15 of this regulation. The price arrived at after the addition or subtraction of these pricing elements is the permissible maximum price for such direct sales.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This Maximum Price Regulation No. 450 shall become effective August 25, 1943.

Issued this 19th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13541; Filed, August 19, 1943;
11:28 a. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 451]

BOOK PAPER

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for book paper by a specific maximum price regulation.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328. So far as practicable, the Price Administrator has advised and consulted with members of the industry which will be affected by this regulation. Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected.

§ 1347.1003 *Maximum prices for book paper.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, Maximum Price Regulation No. 451 (Book Paper), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: 1347.1003 issued under Pub. Laws 421 and 729, 77th Cong.; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4781.

MAXIMUM PRICE REGULATION No. 451—BOOK PAPER

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Appendix A: Maximum prices for spot sales of book paper by manufacturers to merchants, and for all sales of book paper by manufacturers to the U. S. Government or any agency thereof.

Appendix B: Maximum prices for all sales of book paper by manufacturers which cannot be priced under Appendix A.

SECTION 1. *Prohibition against dealing in book paper at prices above the maximum.* On and after August 25, 1943, re-

*Copies may be obtained from the Office of Price Administration.

ardless of any contract or other obligation:

(a) No manufacturer shall sell or deliver any book paper at higher prices than those set forth in Appendices A and B of this regulation;

(b) No person shall buy or receive book paper from a manufacturer in the course of trade or business at prices higher than those set forth in Appendices A and B of this regulation;

(c) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

SEC. 2. *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid, or offered.

SEC. 3. *Geographical applicability.* The provisions of this regulation shall be applicable to the forty-eight states of the United States and the District of Columbia.

SEC. 4. *To what transactions, commodities and persons this regulation applies and the relation to other regulations.*

(a) The provisions of this regulation supersede the provisions of the General Maximum Price Regulation¹ with respect to sales and deliveries for which maximum prices are established by this regulation. The maximum prices established by this regulation apply only to sales by manufacturers.

(b) "Manufacturer" means any person who manufactures any of the papers covered by this regulation and includes an agent and a person affiliated with a manufacturer through community of ownership who distributes or sells the papers manufactured by such manufacturer, excluding, however, any person who comes within the definition of a merchant set forth in section 14 of this regulation.

(c) For the purposes of this regulation any sale by a manufacturer through a merchant to a specific purchaser or any sale by a manufacturer to a merchant for resale to a specific purchaser shall be considered as a sale by the manufacturer to that purchaser where the following conditions are present:

(1) Where the manufacturer is directly involved in the determination of the final price to the purchaser, and

(2) Where the merchant's sole compensation for service rendered is in the form of a selling discount, commission or fee.

(d) The term "book paper" as used in this regulation refers to those kinds, types and grades of coated and uncoated paper manufactured and distributed primarily, but not exclusively, for use in printing, publishing, and converting, and generally recognized in the paper trade as "book paper." Without limitation the following papers are included in the category of book paper and shall continue to be so regarded notwithstanding changes from customary practice as to furnish for as long a period as such changes are made necessary by short-

ages and/or allocations of pulp or other raw materials, except that no uncoated paper, whether or not listed herein, shall be considered book paper if it contains 26% or more of virgin groundwood pulp and/or side run news unless during the period October 1, 1941 through March 31, 1942 such paper contained 26% or more of virgin groundwood pulp and/or side run news and was sold by the manufacturer as book paper:

Adding machine
M. F., E. F. and Super book and litho
Antique, Eggshell book
Band stock
Bible (A grade book or lower)
Box covering
Body stock for coated paper
Bulking
Carbonizing (A grade book or lower)
Cash register
Coated bond
Coated book, glossy and dull
Coated label and litho
Coated cover, plain
Coated calendar stock under 8 point or not over basis 25 x 38—150/500
Machine coated papers
Coated envelope grades
Other clay coated papers (not bristols or boards), if not covered by any other regulation
Commercial wood envelope (book grades)
Decalcomania
Drawing (A grade book or lower)
End leaf
Facing
Gumming
Hanging
Lining
Music
Poster
Rag book
Ribbon
Soap wrapper (book grades)
Tablet
Uncoated offset
Uncoated playing card stock
Uncoated post card for Federal Government

SEC. 5. *Federal and state taxes.* Any tax upon, or incident to, the sale, delivery, processing or use of book paper imposed by any statute of the United States or statute or ordinance of any state or any subdivision thereof, shall be treated as follows in determining the manufacturer's maximum price for such book paper and in preparing the records of such manufacturer with respect thereto:

If, at the time the manufacturer determines his maximum price the statute or ordinance imposing such tax does not prohibit the manufacturer from stating and collecting the tax separately from the purchase price, and the manufacturer does state it separately, the manufacturer may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the manufacturer by the vendor from whom he purchased, and in such case the manufacturer shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 451.

SEC. 6. *Export sales.* The maximum price at which a manufacturer may export book paper or may sell book paper

for export shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation² issued by the Office of Price Administration.

SEC. 7. *Imports.* No person importing book paper shall pay a total price for such paper including United States customs duties, paid directly or indirectly by him, which exceeds the maximum price applicable to a domestic sale established under this regulation.

SEC. 8. *Evasion.* (a) The price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, delivery, purchase, or receipt of or relating to book paper, alone or in connection with any other commodity, or by way of commission, service, transportation, or other charge or discount, premium, or other privilege, or by tying agreement, or other trade understanding, or otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited if used as a means of evading the price limitations imposed by this regulation: modifying, discontinuing or altering any customary trade practice of the seller, or deteriorating the quality or changing the identity of any grade.

SEC. 9. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for suspension of license as provided by the Emergency Price Control Act of 1942, as amended.

SEC. 10. *Records and reports.* (a) Every person making sales or purchases of book paper subject to this regulation shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, is effective an accurate record of each such sale or purchase. Such record may be in the form of the invoice of a copy thereof furnished in connection with each such sale or purchase.

(b) Persons required to keep records by paragraph (a) of this section shall keep such other records and shall submit such reports as the Office of Price Administration may from time to time require, or permit, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(c) With respect to each sale of book paper to a merchant the manufacturer shall furnish the merchant with sufficient information to enable the latter to comply with the invoicing and record-keeping requirements of Maximum Price Regulation No. 400³ or of any other regulation applicable to sales of book paper by that merchant.

SEC. 11. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance

¹ 8 FR. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025.

² 8 FR. 4132, 5987, 7662.

³ 8 FR. 7556.

with the provisions of Revised Procedural Regulation No. 1.⁷

Reference is made at this point to paragraph (f) of Appendix B of this regulation which contains a provision concerning the filing of a petition by a purchaser of book paper from a manufacturer.

SEC. 12. *Petitions for adjustment—*

(a) *When adjustments may be granted.* The Office of Price Administration may adjust the maximum price established under paragraph (b) of Appendix A or under Appendix B of this regulation for any grade of book paper in any case in which it finds that the seller is unable to maintain his production of that grade at that price and that either:

(1) Continuance of the seller's production of that grade is required to meet a military or essential civilian need, or

(2) Loss of the seller's production of that grade will force his customers to resort to higher priced sources of supply, and that no adequate substitute for that grade is available to his customers at a price equal to or lower than the adjusted maximum price which he requests.

(b) *Amount of relief.* The relief granted under this section shall be limited to the amount necessary to insure the maintenance of the manufacturer's production: *Provided, however,* That where an application is filed under paragraph (a) (2) above, the seller's maximum price will not be raised above the general level of prices prevailing for alternative sources of supply of the grade or an adequate substitute therefor.

(c) *Form of application.* Before filing an application for adjustment under the provisions of paragraph (a), it is suggested that each applicant obtain from the Office of Price Administration, Washington, D. C., a statement of the specific information that will be necessary in order that his application may receive prompt action.

Reference is made at this point to paragraph (f) of Appendix B of this regulation which contains a provision concerning the filing of a petition by a purchaser of book paper from a manufacturer.

SEC. 13. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authoriza-

tion has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 14. *Definitions.* (a) When used in this regulation the term:

(1) "Person" means an individual, corporation, partnership, association or any other organized group of persons or legal successors or representatives of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Manufacturer" has the meaning stated in Section 4 above.

(3) "Book paper" has the meaning stated in Section 4 above.

(4) "Merchant" means any person who buys and resells book paper, except (i) retailers and (ii) manufacturers buying book paper from another manufacturer and reselling it.

"Merchant" also includes a manufacturer selling book paper of his own manufacture, and a person affiliated with such manufacturer through community of ownership if, and only if, the Office of Price Administration shall find that he operates as a bona fide merchant. Any such manufacturer or affiliate claiming to operate as a merchant shall file an application for a ruling in the manner specified in section 16 (b) of Maximum Price Regulation No. 400.

(5) "Retailer" means any person, the major portion of whose sales are to ultimate consumers other than industrial, commercial or institutional users or government agencies.

(6) "Highest price charged" during a particular period means the highest price which the manufacturer charged for a delivery of a grade of book paper during that period, or if the manufacturer made no such delivery his highest offering price for delivery during that period.

(7) "Delivered." Book paper shall be deemed to have been "delivered" during any specified period if during such period it was received by the purchaser or by any carrier, including a carrier owned or controlled by the manufacturer, for shipment to the purchaser.

(8) "Offering price" means the price quoted in the manufacturer's price list, or, if he had no such price list, the price which he regularly quoted in any other manner.

(9) "Grade" means one particular quality within a kind of book paper, such grade having the essential properties peculiar to such kind of paper and common to all grades within such kind, but distinguished from other such grades by a difference in the degree to which one or several of those common properties are emphasized. However, a difference in the degree to which any such property is emphasized, due only to a difference in ash content, in sizing, in the quantity of adhesive in the coating formula, or in the dyes used in the paper and/or coating shall not be con-

sidered as resulting in a different grade. Where there are such differences, the differentials and charges provided for in Appendices A and B of this regulation may, of course, be applied in appropriate cases.

(10) "Item" means a quantity of paper all of which is of the same size, grain, basis weight, finish, color and grade.

(11) "Job lots" and "seconds" mean substandard qualities of book paper resulting from faulty manufacture or overruns customarily unacceptable to the buyer, which occur during a bona fide attempt to manufacture book paper of acceptable quality and quantity.

(12) "Machine coated paper" means a paper that is formed, dried and coated in one continuous operation on the paper machine, the coating consisting chiefly of mineral pigments and adhesive applied to one or both sides of the paper after it has passed the press section of the paper machine: *Provided,* That the amount of such coating shall be at least 2½ pounds of the total ream basis weight (25 x 38—500) if applied to one side only, or at least 5 pounds if applied to both sides.

(13) "Spot sales" are those sales which involve one shipment or multiple shipments in close sequence against one order over a period of less than ninety consecutive days, as distinguished from contract sales which involve multiple shipments over a longer period.

(14) *Zones.*

"Zone 1" includes the following states and cities:

Connecticut.	New Jersey.
Delaware.	New York.
District of Columbia.	North Carolina.
Illinois.	Ohio.
Indiana.	Pennsylvania.
Iowa.	Rhode Island.
Kentucky.	Tennessee.
Maine.	Vermont.
Maryland.	Virginia.
Massachusetts.	West Virginia.
Michigan.	Wisconsin.
Minnesota.	Omaha, Nebraska.
Missouri.	Sioux Falls, S. D.
New Hampshire.	

"Zone 2" includes the following states:

Alabama.	Louisiana.
Arkansas.	Mississippi.
Florida.	North Dakota.
Georgia.	Oklahoma.
Kansas.	South Carolina.
Nebraska (excluding Omaha).	
South Dakota (excluding Sioux Falls).	

"Zone 3" includes the following states:

Colorado.	Texas.	Wyoming.
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"Zone 4" includes the following states:

Arizona.	New Mexico.
California.	Oregon.
Idaho.	Utah.
Montana.	Washington.
Nevada.	

(15) "Side run news" means newsprint paper less than 16" wide but otherwise corresponding to the definition of "standard newsprint paper" as contained in Revised Maximum Price Regulation No. 130.⁸

⁷ 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

⁸ 7 F.R. 9251, 10255; 8 F.R. 1536, 2670, 7766.

(b) Unless the text otherwise requires the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

Appendix A: Maximum prices for spot sales of book paper by manufacturers to merchants, and for all sales of book paper by manufacturers to the U. S. Government or any agency thereof. The maximum base price for spot sales of book paper by a manufacturer to a merchant shall be the price set forth in paragraph (a) of this Appendix A in all cases where the book paper being priced falls under one of the grades listed in that paragraph (a). The maximum base price for spot sales by a manufacturer to a merchant of book paper which does not fall under one of those grades is to be determined under paragraph (b) of this Appendix A. To any maximum base price thus determined under paragraphs (a) or (b) there shall be applied the differentials, charges, discounts, allowances, and other pricing elements provided for in paragraph (d) of this Appendix A, wherever those pricing elements are applicable. The price after the addition or subtraction of any such applicable pricing elements shall be the maximum price. The maximum price for all sales of book paper by a manufacturer to the U. S. Government or any agency thereof is to be determined under paragraph (c) of this Appendix A.

In determining whether a particular book paper falls under one of the grades listed in paragraph (a) the manufacturer is to check the examples of each grade enumerated after the list of maximum prices. If the book paper in question is listed by brand name in paragraph (a) as an example of a particular grade, it is to be considered to be that grade. A book paper shall be considered to be a particular listed grade even though it is not expressly included in paragraph (a) as an example of that grade, if it has heretofore been sold and distributed by the manufacturer and recognized and accepted in the trade as that grade; a manufacturer who identifies a book paper with one of the listed grades in this manner shall so advise the Office of Price Administration in Washington, D. C. in writing, unless such notification has previously been made.

(a) *Maximum prices for listed grades.* The maximum base prices established herein for the grades listed below are the maximum base prices for paper packed for domestic use with customary markers in ordinary wooden cases, cartons or in bundles with solid or skeleton board frames, for shipment to points in zone 1, and are f. o. b. mill, lowest available carload rate of freight allowed to destination point, except that no manufacturer shall be required to make any freight allowance to a merchant on shipments of less than 5,000 pounds to points other than the merchant's home city.

		Maximum base price per cwt. 4 cases or equivalent			Maximum base price per cwt. 4 cases or equivalent
Uncoated grades:			Coated grades—Con.		
A Grade E.F. (M.F.)	Book, White.	\$8.25 Untrimmed.	#3 Glossy Coated,	White.	\$10.15 Trimmed 4 sides.
B Grade E.F. (M.F.)	Book, White.	7.80 Untrimmed.	#4 Glossy Coated,	White.	9.80 Trimmed 4 sides.
C Grade E.F. (M.F.)	Book, White.	7.55 Untrimmed.	#5 Glossy Coated,	White.	9.30 Trimmed 4 sides.
D Grade E.F. (M.F.)	Book, White.	7.30 Untrimmed.	C2S Offset, White-		10.40 Trimmed 4 sides.
E Grade E.F. (M.F.)	Book, White.	7.05 Untrimmed.	C1S Litho, Varnish	Quality, White.	10.05 Trimmed 4 sides.
#2 Uncoated Offset,	White.	8.45 Trimmed 4 sides.	C1S Litho Non-	Varnish Quality,	9.80 Trimmed 4 sides.
Coated grades:					
#1 Glossy Coated,	White.	11.90 Trimmed 4 sides.	The following are examples of the above-listed grades by recognized brand names:		
#2 Glossy Coated,	White.	10.85 Trimmed 4 sides.			

Company	Brand name
A Grade E. F. (M. F.) book, white:	
Allied Paper Mills.....	Superba.
American Writing Paper Corporation.....	Eagle-A American E. F. Book.
	Union W/M M. F. Book.
The D. M. Bare Paper Company.....	Chaucer.
Bergstrom Paper Company.....	Ibsen.
Bryant Paper Company.....	Brypaco.
The Champion Paper & Fibre Company....	Wedgwood E. F.
	Garamond E. F.
The Chillicothe Paper Company.....	Logan.
Crocker, Burbank Papers, Inc.....	Hermes Book.
Curtis Paper Company.....	Curtis Tints.
	Nonantum E. F.
Dill & Collins, Inc.....	Flat White.
Everett Pulp and Paper Co.....	Art Book.
Fitchburg Paper Company.....	Hillicrest.
P. H. Glatfelter Company.....	Monoplane.
W. C. Hamilton & Sons.....	Hamilton Bright White E. F.
International Paper Company.....	Ticonderoga Book.
The Jessup & Moore Paper Co.....	Jesmore.
The Mead Corporation.....	Imperial M. F. and E. F.
The Michigan Paper Company.....	Velvopaque.
The Northwest Paper Company.....	Klo-Kay E. F. Book.
Oxford Paper Company.....	Oxford Carfax E. F.
Oxford Miami Paper Company.....	Oxford Miami Carfax E. F.
The Sorg Paper Company.....	Sorg's A Grade E. F. White.
S. D. Warren Company.....	Warren's Cumberland E. F.
West Virginia Pulp and Paper Company....	Clear Spring.
B Grade E. F. (M. F.) book, white:	
Allied Paper Mills.....	Climax.
The D. M. Bare Paper Company.....	Ruskin.
Bergstrom Paper Company.....	Thor.
Bryant Paper Company.....	De Soto.
	British Opaque.
The Champion Paper & Fibre Company....	Lexicon E. F.
The Chillicothe Paper Company.....	Opacitone.
Columbian Paper Company.....	Blue Ridge E. F.
Crocker, Burbank Papers, Inc.....	Crobank E. F.
Curtis Paper Company.....	Delaware E. F.
Everett Pulp and Paper Co.....	Everett English Finish.
	Nautilus E. F.
	Publication E. F.
Fitchburg Paper Company.....	Hillicrest.
	Tempora.
P. H. Glatfelter Company.....	Spring Grove.
W. C. Hamilton & Sons.....	Hamilton Windsor E. F. White.
International Paper Company.....	Champlain Book.
	Cataract Book.
The Jessup & Moore Paper Co.....	Kenmore.
	Kentone.
The Mead Corporation.....	Standard M. F.
The Michigan Paper Company.....	Wolverine E. F.
New York & Pennsylvania Co., Inc.....	Clarion E. F.
	Nypen E. F.
The Northwest Paper Company.....	Mountie E. F. Book.
	Nationwide E. F. Book.
Oxford Paper Company.....	Oxford E. F.

Company Brand name

#2 Uncoated offset, white:		
Allied Paper Mills	Dependable.	
American Writing Paper Corporation	Eagle-A Albion Offset.	
The Beckett Paper Company	Beckett Offset.	
Bryant Paper Company	De Soto Offset.	
The Champion Paper and Fibre Company	Wedgwood Offset.	
The Chillicothe Paper Company	Adena Half-tone Offset.	
Crocker, Burbank Papers, Inc.	Crobank Offset.	
Eastern Corporation	Atlantic Offset.	
Everett Pulp and Paper Co.	Seaplane.	
French Paper Company	Performance Offset.	
P. H. Glatfelter Company	Spring Grove Offset.	
W. C. Hamilton & Sons	Hamilton Montgomery Offset.	
Hawthorne Paper Company	Wisdom Offset.	
Hopper Paper Company	Hawthorne Offset.	
	Hopper Offset.	
	Britewell Offset.	
	Display Offset.	
	Maxwell Offset.	
The Howard Allied Paper Mills	International Offset.	
International Paper Company	Ticonderoga Offset.	
	Lexington Offset.	
	Moistrite Offset.	
The Mead Corporation	Monadnock Offset.	
Monadnock Paper Mills	St. Lawrence Weatherproof #2 Offset.	
Newton Falls Paper Mill	St. Lawrence #2 Offset.	
New York & Pennsylvania Co., Inc.	Clarton Offset.	
The Northwest Paper Company	North Star Offset.	
Oxford Paper Company	Aquaset.	
Oxford Miami Paper Company	Wescar.	
Peninsular Paper Company	Patrician Offset.	
The Sarg Paper Company	Equator Offset.	
Standard Paper Manufacturing Co.	Standard Offset.	
Tilston & Hollingsworth Co.	Fairmount Offset.	
S. D. Warren Company	Warren's Cumberland Offset.	
Watervliet Paper Company	Cascade.	
Wausau Paper Mills Company	Brokaw Offset.	
West Virginia Pulp and Paper Company	Inspiration Offset.	
	Clear Spring Offset.	
Geo. A. Whiting Paper Company	Pacemaker Offset.	
#1 Glossy Coated, white:		
Allied Paper Mills	Durable Folder.	
Bryant Paper Company	University Enamel.	
	Bryfold.	
	Imperial.	
The Martin Cantine Company	Ashokan.	
The Champion Paper and Fibre Company	Satin Proof E. B.	
Crocker, Burbank Papers, Inc.	Art Gloss.	
Dill & Collins, Inc.	Black & White Coated Book.	
Kalamazoo Paper Company	Superprint.	
	Superfold.	
The Miami Valley Coated Paper Co.	Veldurofold.	
The Michigan Paper Company	Leatherette.	
Oxford Paper Company	Polar Superfine.	
Rex Paper Company	Rexfold.	
	Rexaristo.	
S. D. Warren Company	Warren's Lustro Gloss.	
Watervliet Paper Company	Royal.	
West Virginia Pulp and Paper Company	Pinnacle.	
#2 Glossy coated, white:		
Allied Paper Mills	Velour Folding.	
The Appleton Coated Paper Co.	White Woodbine Folding Enamel.	

Company Brand name

B Grade E. F. (M. F.) book, white—Continued.		
Oxford Miami Paper Company	Oxford Miami E. F.	
The Sarg Paper Company	Sorg's B Grade E. F. White.	
Tilston & Hollingsworth Company	Dorchester Plate.	
	Sumner Plate.	
S. D. Warren Company	Warren's New England E. F.	
Watervliet Paper Company	B Grade.	
West Virginia Pulp and Paper Company	Inspiration E. F.	
	Westvaco.	
	Marva.	
C Grade E. F. (M. F.) book, white:		
Allied Paper Mills	Standard.	
The D. M. Bare Paper Company	Tennyson.	
Bergstrom Paper Company	Asgard.	
Bryant Paper Company	Brytone E. F.	
The Champion Paper and Fibre Company	Ohio E. F.	
Champion-International Company	Wenham	
Crocker, Burbank Papers, Inc.	Ashby E. F.	
Everett Pulp and Paper Co.	Anchor E. F.	
Fitchburg Paper Company	Zenith.	
P. H. Glatfelter Company	Pennsylvania.	
International Paper Company	Montcalm Book.	
The Jessup & Moore Paper Co.	Cecil.	
Kalamazoo Paper Company	Coronet E. F.	
The Michigan Paper Company	Hawkeye.	
New York & Pennsylvania Co., Inc.	L. H. English Finish.	
The Northwest Paper Company	Northland E. F. Book.	
Oxford Paper Company	Oxford Swift River.	
Oxford Miami Paper Company	Oxford Miami Omico E. F.	
The Sarg Paper Company	Sorg's C Grade E. F. White.	
Tilston & Hollingsworth Company	City E. F.	
S. D. Warren Company	Warren's #25 M. F.	
D Grade E. F. (M. F.) book, white:		
Allied Paper Mills	National.	
The D. M. Bare Paper Company	Whittier.	
Bergstrom Paper Company	Thrall.	
Bryant Paper Company	Sunbeam.	
The Champion Paper and Fibre Company	Format E. F.	
Champion-International Company	Derry.	
Columbian Paper Company	Rockbridge E. F.	
Crocker, Burbank Papers, Inc.	Townsend E. F.	
Everett Pulp and Paper Co.	Binnacle E. F.	
Fitchburg Paper Company	Fitchco.	
P. H. Glatfelter Company	Old Forge.	
International Paper Company	Saratoga Book.	
The Jessup & Moore Paper Co.	Delta.	
Kalamazoo Paper Company	Western E. F.	
The Michigan Paper Company	MPC.	
The Northwest Paper Company	Ranger E. F. Book.	
Oxford Miami Paper Company	Oxford Miami Moline E. F.	
The Sarg Paper Company	Sorg's D Grade E. F. White.	
Watervliet Paper Company	D Grade.	
E Grade E. F. (M. F.) book, white:		
Allied Paper Mills	E.	
Bryant Paper Company	Bryanteer.	
The Champion Paper and Fibre Company	#28.	
Everett Pulp and Paper Co.	Ensign E. F. Book, White.	
Inland Empire Paper Company	Inland Book.	
Kalamazoo Paper Company	Kapaco E. F.	
The Michigan Paper Company	Test.	
The Northwest Paper Company	Timberland.	

Company	Brand name
#2 Glossy coated, white—Continued.	
Bryant Paper Company	Pliable.
The Martin Cantine Company	MC Folding.
The Champion Paper and Fibre Company	Satin Refold E. B.
Champion-International Company	Magnolia.
Crocker, Burbank Papers, Inc.	Decofold.
Dill & Collins, Inc.	Printflex Folding Enamel.
Kalamazoo Paper Company	Extrafold Enamel.
The Miami Valley Coated Paper Co.	Miami Folding.
The Michigan Paper Company	Willowfold.
Oxford Paper Company	Mainefold.
Rex Paper Company	Rexcell.
S. D. Warren Company	Warren's Cumberland Gloss.
Watervliet Paper Company	Foldette.
West Virginia Pulp and Paper Company	Blendfold.
#3 Glossy coated, white:	
Allied Paper Mills	Corona Enamel.
The Appleton Coated Paper Co.	White Appleton Enamel.
Bryant Paper Company	Milham Coated.
The Martin Cantine Company	Zena.
The Champion Paper & Fibre Company	Hamilton E. B.
Champion-International Company	Esex.
Crocker, Burbank Papers, Inc.	Tenor Gloss.
Dill & Collins, Inc.	Richfold.
Kalamazoo Paper Company	Richgloss.
The Miami Valley Coated Paper Co.	Westfold.
The Michigan Paper Company	Rayon.
Oxford Paper Company	Wolverine Enamel.
Rex Paper Company	White Seal Coated.
S. D. Warren Company	Rexline.
Watervliet Paper Company	Warren's New England Gloss.
West Virginia Pulp and Paper Company	Viking.
#4 Glossy coated, white:	
Allied Paper Mills	Sterling.
The Appleton Coated Paper Co.	Porcelain Enamel.
Bryant Paper Company	White Wisconsin Enamel.
The Martin Cantine Company	Sunray.
The Champion Paper & Fibre Company	Catskill.
Crocker, Burbank Papers, Inc.	Falcon E. B.
Dill & Collins, Inc.	Prospect.
Kalamazoo Paper Company	Pilgrim Gloss.
The Miami Valley Coated Paper Co.	Quaker.
The Michigan Paper Company	Western Enamel.
Oxford Paper Company	Chatham.
Rex Paper Company	Miamitone Coated.
S. D. Warren Company	White Oak.
Watervliet Paper Company	Rumford Enamel.
West Virginia Pulp and Paper Company	Rex Colortype.
#5 Glossy coated, white:	
Allied Paper Mills	Warren's Westbrook Gloss.
Bryant Paper Company	Advertisers.
Champion-International Company	Piedmont Coated.
The Champion Paper & Fibre Company	Victory.
	Brycoat.
	Clifton.
	#5 E. B.
#5 Glossy coated, white—Continued.	
Kalamazoo Paper Company	Kapaco Enamel.
The Miami Valley Coated Paper Co.	Publication.
The Michigan Paper Company	#5.
C2S Offset, white:	
Allied Paper Mills	Corona Offset Enamel.
The Appleton Coated Paper Co.	Empress Offset Enamel.
Bryant Paper Company	Milham Offset Enamel.
The Martin Cantine Company	Zenagloss.
The Champion Paper & Fibre Company	Wedgwood Coated Offset.
Champion-International Company	Prospect A.
Crocker, Burbank Papers, Inc.	Tenor Coated Offset.
Kalamazoo Paper Company	Extrafold Offset Enamel.
The Miami Valley Coated Paper Co.	Paratex.
The Michigan Paper Company	Wolverine C2S Offset Enamel.
Oxford Paper Company	White Seal C2S Offset.
Rex Paper Company	White Coated Offset.
S. D. Warren Company	Warren's Offset Enamel.
Watervliet Paper Company	Glossette.
West Virginia Pulp and Paper Company	Inspiration C2S Offset White.
CIS Litho, varnish quality, white:	
Allied Paper Mills	Monarch Gloss Ink and Varnish Litho.
The Appleton Coated Paper Co.	White CIS Varnish and High Gloss Ink Litho.
Bryant Paper Company	Sunray Varnishing CIS Litho.
The Martin Cantine Company	Litho Gloss.
The Champion Paper & Fibre Company	Varnish or Gloss Ink Litho.
Champion-International Company	All Purpose Litho.
Crocker, Burbank Papers, Inc.	Prospect B.
Kalamazoo Paper Company	Special Litho CIS.
McLaurin-Jones Company	Western CIS.
The Mead Corporation	#4 Varnishing Litho.
The Miami Valley Coated Paper Co.	Glacier CIS Varnish Quality.
The Michigan Paper Company	Miamitone Varnished.
Oxford Paper Company	Michigan Varnishing Litho.
Rex Paper Company	Rumford CIS, Gloss Ink & Varnishing.
S. D. Warren Company	Rexvar CIS.
West Virginia Pulp and Paper Company	Warren's Overprint-Multi-Service Label CIS.
CIS Litho, non-varnish quality, white:	
Allied Paper Mills	Gloss Ink.
The Appleton Coated Paper Co.	Ideal.
Bryant Paper Company	Monarch Non-Varnish Litho.
The Martin Cantine Company	White Appleton Litho Label.
Champion-International Company	Sunray CIS Litho.
Crocker, Burbank Papers, Inc.	Catskill Litho.
Kalamazoo Paper Company	Lithoprint.
The Mead Corporation	Prospect C.
The Miami Valley Coated Paper Co.	Dejonge Litho CIS.
The Michigan Paper Company	Kapaco CIS.
Oxford Paper Company	Glacier CIS Non Varnish Quality.
Rex Paper Company	Miamitone Litho Non-Varnish Quality.
S. D. Warren Company	Michigan CIS Litho.
Watervliet Paper Company	Rumford Litho CIS.
West Virginia Pulp and Paper Company	Rexlitho CIS.
	Warren's Litho Coated Label CIS.
	Service.
	Piedmont Litho, Non-Varnish Quality.

(b) *Maximum prices for unlisted grades.* The maximum base price for spot sales by a manufacturer to a merchant of a grade of book paper not listed under paragraph (a) above shall be determined under subparagraph (1) of this paragraph (b) in all instances where that unlisted grade was delivered or offered for delivery by the manufacturer to any merchant during the period October 1, 1941 through March 31, 1942. If that unlisted grade of book paper was not delivered or offered for delivery by the manufacturer to any merchant during that period, the maximum base price shall be determined under subparagraph (2) of this paragraph (b).

Under subparagraph (1) below, the manufacturer is required to determine the "highest base price" charged by him during the period October 1, 1941 through March 31, 1942. The "highest base price" is arrived at by taking the highest actual price charged and adjusting that price upward or downward, as the case may be, in accordance with the differentials, charges, discounts, allowances, and other pricing elements applied by the manufacturer in computing that actual price at the time of that sale. The base price thus arrived at is to be comparable with the base price for grades listed in paragraph (a) with respect to quantity, finish, packing, transportation, zone differentials, and all other conditions of production or sale generally recognized in the industry as requiring additions to or subtractions from such a base price.

(1) The maximum base price for an unlisted grade which was delivered or offered for delivery by the manufacturer to any merchant during the period October 1, 1941 through March 31, 1942 shall be determined as follows: the manufacturer shall determine the highest base price charged by him for such grade during that period, and shall ascertain the difference between that base price and the highest base price charged by him during the same period for the grade listed under paragraph (a) which during that period was closest in price to the unlisted grade. That difference shall then be added to or subtracted from, as the case may be, the maximum base price listed under paragraph (a) for the grade with which the price comparison was made. The resulting amount shall be the maximum base price for the unlisted grade being priced under this paragraph.

If during the period October 1, 1941 through March 31, 1942 the manufacturer delivered or offered for delivery to any merchant one or more unlisted grades, but in that period did not deal in any of the grades listed in paragraph (a), his maximum base price for any such unlisted grade shall be the highest base price charged by him for that grade during that period. With respect to sales of any grade for which a price is determined in this manner the manufacturer may at his option substitute for the system of quantity differentials provided for in subparagraph (d) (2) of this Appendix A the system of quantity differentials customarily employed by him during the

period October 1, 1941 through March 31, 1942. This optional method shall also apply with respect to sales of any grade priced under subparagraph (b) (2) below by comparison with a grade for which a price is determined in this manner.

Except as otherwise provided in the paragraph immediately above, there shall be applied to any maximum base price established under this paragraph (b) (1) the differentials, charges, discounts, allowances, and other pricing elements provided for in paragraph (d) of this Appendix A, wherever applicable. The price after the addition or subtraction of any such pricing elements applicable to the particular sale shall be the maximum price for that sale.

On or before October 1, 1943 every manufacturer of book paper shall file with the Office of Price Administration in Washington, D. C., the following information with respect to each grade of book paper which he is selling or may sell for which the maximum base price must be determined under this paragraph (b) (1): grade name, maximum base price, and a statement of the method followed by the manufacturer in determining the maximum base price.

(2) The maximum base price for an unlisted grade of book paper which was not delivered or offered for delivery by the manufacturer to any merchant during the period October 1, 1941 through March 31, 1942 shall be a price in line with the maximum base price established by this regulation for the nearest related grade. "The nearest related grade" shall be that grade of paper listed in paragraph (a) which is of the same general type as the unlisted grade being priced and which the manufacturer is producing currently for the same general use or uses at a total cost which is closest to the total cost of such unlisted grade. If the manufacturer does not deal in any of the grades listed in paragraph (a) his "nearest related grade" shall be that grade of paper of the same general type for which he has already established a maximum base price under paragraph (b) (1) and which he is producing currently for the same general use or uses as the unlisted grade being priced at a total cost which is closest to the total cost of such unlisted grade.

A price for any such unlisted grade shall be "in line" only if the difference between that price and the price for the nearest related grade is not in excess of the dollars and cents difference between the total cost of that grade and the total cost of the nearest related grade.

Total cost in these cases shall be computed on the basis of costs prevailing at the time when such in line price is being determined and in accordance with the manufacturer's usual method of determining total costs during March 1942.

To any maximum in line base price thus determined for an unlisted grade there shall be applied the differentials, charges, discounts, allowances, and other

pricing elements provided for in paragraph (d) of this Appendix A, wherever applicable. The price after the addition or subtraction of any such pricing elements applicable to the particular sale shall be the maximum price for that sale.

A maximum price determined by a seller under this paragraph (b) (2) must be reported to and confirmed by the Office of Price Administration. If this confirmation is not obtained prior to the time of making the sale the seller must agree to refund to the purchaser any amount paid in excess of the confirmed maximum price. Confirmation of a maximum price determined under this paragraph (b) (2) shall be obtained as follows: the seller must submit to the Office of Price Administration in Washington, D. C., a statement setting forth all of the relevant facts including the following:

(i) Description of the grade being priced;

(ii) Completed Form Q-52 (forms available upon application to the Paper and Paper Products Branch, Office of Price Administration, Washington, D. C.) which covers cost and price data on that grade and on the related grade with which the price comparison was made;

(iii) A sample sheet of each grade.

When a maximum price as proposed is not disapproved by the Office of Price Administration within 20 days after the above material is filed, it shall be considered confirmed. Confirmation need be obtained only once with respect to each grade involved.

(3) Any maximum price which cannot otherwise be determined under this Appendix A shall be determined by the Office of Price Administration in Washington, D. C. by order upon receipt of an application from the manufacturer setting forth a description of the grade and the reasons why it cannot be priced under any other provision of this Appendix A, and including a completed Form Q-52 with respect to the costs of such grade. (Copies of Form Q-52 are available upon application to the Paper and Paper Products Branch, Office of Price Administration, Washington, D. C.)

(c) *Maximum prices for sales by a manufacturer to the U. S. Government or any agency thereof.* The maximum price for the sale of book paper by a manufacturer to the U. S. Government or any agency thereof shall be the maximum price for the sale of that paper by the manufacturer to a merchant, determined under paragraph (a) or paragraph (b) of this Appendix A, less a discount of 3%. With respect to such sales, manufacturer should refer to Section 4 of this regulation in which there are set forth certain conditions under which a sale by a manufacturer to or through a merchant to a specific purchaser is considered to be a sale by that manufacturer to that purchaser.

(d) *Differentials, charges, discounts, allowances.* The following differentials, charges, discounts, allowances, and other pricing elements, if applicable, may be added to and shall be subtracted from (as

the case may be) the maximum base prices provided for the grades listed in paragraph (a) of this Appendix A. Wherever applicable, they shall also be applied in the same way to the maximum base prices determined under paragraph (b) of this Appendix A.

(2) Differentials for quantities of one grade.

1 case (or equivalent) to less than 4 cases—one item	Base price plus 25¢ cwt.
4 cases (or equivalent) to 4,999 lbs.—one item or assorted case lot items.	Base price.
5,000 lbs. to 9,999 lbs.—one item	Base price minus 25¢ cwt.
10,000 lbs. to 35,999 lbs.—one item	Base price minus 40¢ cwt.
36,000 lbs. or more—one item	Base price minus 50¢ cwt.

(3) Manufacturing differentials.

Supercalendering	plus 25¢ cwt.
Antique or eggshell finish	plus 25¢ cwt.
High bulk	plus 40¢ cwt.
Extra high bulk	plus 65¢ cwt.
Extra beater sizing	plus 25¢ cwt.
Tab or surface sizing	plus 50¢ cwt.
Laid	plus 25¢ cwt.
Watermarked laid	plus 50¢ cwt.
Watermarked wove	plus 50¢ cwt.

(4) *Lightweight differentials.* The percentage upcharges for light weights set forth herein shall apply to all sales for which prices are determined under this Appendix A.

The selling price to which these percentage charges may be applied is the price, including freight if allowed, for the quantity of paper involved, in the particular form of packing in which it is to be shipped, after the application of all dollars and cents charges having to do with the actual manufacture of the paper before it leaves the end of the paper or coating machine or supercalenders, such as heavy weight, special or felt finishes made on the paper machine, special sizing, laid marking, watermarking, colors, etc. but before extra charges applying after the paper has left the end of the machine such as embossing, plating, trimming, ream sealing or banding, etc.

Percentages of the selling price may be added for each pound or fraction thereof below the minimum basic weight as follows:

(i) *Machine finished paper (including Antique).* The minimum basic weight without extra charge for Machine Finished paper shall be 25 x 38—45 pounds—500 sheets. For lighter weights additional charges shall be made and computed on the 500 sheet basis as follows:

Add 1½% of the selling price for each pound or fraction thereof below 45 pounds down to and including 35 pounds.

Add 2% of the selling price for each pound or fraction thereof below 35 pounds down to and including 30 pounds, plus the additional charge for 35 pounds.

Add 3% of the selling price for each pound or fraction thereof below 30 pounds down to and including 25 pounds, plus the additional charge for 30 pounds.

Example: Assuming paper at \$10.00 per cwt.
Basis 45 lbs.---- \$10.00 per cwt.
Basis 35 lbs.---- \$11.50 per cwt. (\$10.00 per cwt. plus 15%—1½% per lb. from 45 lb. to 35 lb. basis weight)

(1) Shipments to points in zones 1, 2, 3 and 4.

Zone 1	Base price.
Zone 2	Base price plus 20¢ cwt.
Zone 3	Base price plus 40¢ cwt.
Zone 4	Base price plus 80¢ cwt.

Basis 30 lbs.	\$12.50 per cwt. (\$10.00 per cwt. plus 25%—1½% per lb. from 45 lb. to 35 lb. and 2% per lb. from 35 lb. to 30 lb. basis weight)
Basis 25 lbs.	\$14.00 per cwt. (\$10.00 per cwt. plus 40%—1½% per lb. from 45 lb. to 35 lb., 2% per lb. from 35 lb. to 30 lb., and 3% per lb. from 30 lb. to 25 lb. basis weight)

(ii) *Supercalendered paper.* The minimum basic weight without extra charge for Supercalendered paper shall be 25x 38—50 pounds—500 sheets. For lighter weights additional charges shall be made and computed on the 500 sheet basis as follows:

Add 1½% of the selling price for each pound or fraction thereof below 50 pounds down to and including 40 pounds.

Add 2% of the selling price for each pound or fraction thereof below 40 pounds down to and including 35 pounds, plus the additional charge for 40 pounds.

Add 3% of the selling price for each pound or fraction thereof below 35 pounds down to and including 30 pounds, plus the additional charge for 35 pounds.

Example: Assuming paper at \$10.00 per cwt.

Basis 50 lbs.	\$10.00 per cwt.
Basis 40 lbs.	\$11.50 per cwt. (\$10.00 per cwt. plus 15%—1½% per lb. from 50 lb. to 40 lb. basis weight)
Basis 35 lbs.	\$12.50 per cwt. (\$10.00 per cwt. plus 25%—1½% per lb. from 50 lb. to 40 lb. and 2% per lb. from 40 lb. to 35 lb. basis weight)
Basis 30 lbs.	\$14.00 per cwt. (\$10.00 per cwt. plus 40%—1½% per lb. from 50 lb. to 40 lb., 2% per lb. from 40 lb. to 35 lb., and 3% per lb. from 35 lb. to 30 lb. basis weight)

(iii) *Coated 2 sides paper.* The minimum basic weight without extra charge for Coated 2 Sides Book paper shall be 25 x 38—70 pounds—500 sheets. For lighter weights additional charges shall be made and computed on the 500 sheet basis as follows:

Add 1½% of the selling price for each pound or fraction thereof below 70 pounds down to and including 45 pounds.

Add 2% of the selling price for each pound or fraction thereof below 45 pounds down to

and including 35 pounds, plus the additional charge for 45 pounds.

Example: Assuming paper at \$10.00 per cwt.
Basis 70 lbs.---- \$10.00 per cwt.
Basis 45 lbs.---- \$13.75 per cwt. (\$10.00 per cwt. plus 37½%—1½% per lb. from 70 lb. to 45 lb. basis weight)

Basis 35 lbs.---- \$15.75 per cwt. (\$10.00 per cwt. plus 57½%—1½% per lb. from 70 lb. to 45 lb. and 2% per lb. from 45 lb. to 35 lb. basis weight)

(iv) *Coated 1 Side Paper.* The minimum basic weight without extra charge for Coated 1 Side Book or Label paper shall be 25 x 38—60 pounds—500 sheets. For lighter weights additional charges shall be made and computed on the 500 sheet basis as follows:

Add 1½% of the selling price for each pound or fraction thereof below 60 pounds down to and including 40 pounds.

Add 2% of the selling price for each pound or fraction thereof below 40 pounds down to and including 35 pounds, plus the additional charge for 40 pounds.

Example: Assuming paper at \$10.00 per cwt.

Basis 60 lbs.	\$10.00 per cwt.
Basis 40 lbs.	\$13.00 per cwt. (\$10.00 per cwt. plus 30%—1½% per lb. from 60 lb. to 40 lb. basis weight)
Basis 35 lbs.	\$14.00 per cwt. (\$10.00 per cwt. plus 40%—1½% per lb. from 60 lb. to 40 lb. and 2% per lb. from 40 lb. to 35 lb. basis weight)

(v) *Machine Coated Book Paper.* The minimum basic weight without extra charge for Machine Coated Book paper shall be 25 x 38—55 pounds—500 sheets. For lighter weights additional charges shall be made and computed on the 500 sheet basis as follows:

Add 1½% of the selling price for each pound or fraction thereof below 55 pounds down to and including 45 pounds.

Add 2% of the selling price for each pound or fraction thereof below 45 pounds down to and including 40 pounds, plus the additional charge for 45 pounds.

Add 3% of the selling price for each pound or fraction thereof below 40 pounds down to and including 35 pounds, plus the additional charge for 40 pounds.

Example: Assuming paper at \$10.00 per cwt.

Basis 55 lbs.	\$10.00 per cwt.
Basis 45 lbs.	\$11.50 per cwt. (\$10.00 per cwt. plus 15%—1½% per lb. from 55 lb. to 45 lb. basis weight)
Basis 40 lbs.	\$12.50 per cwt. (\$10.00 per cwt. plus 25%—1½% per lb. from 55 lb. to 45 lb. and 2% per lb. from 45 lb. to 40 lb. basis weight)
Basis 35 lbs.	\$14.00 per cwt. (\$10.00 per cwt. plus 40%—1½% per lb. from 55 lb. to 45 lb., 2% per lb. from 45 lb. to 40 lb., and 3% per lb. from 40 lb. to 35 lb. basis weight)

(vi) *Offset paper.* The minimum basic weight without extra charge for Offset paper shall be 25 x 38—50 pounds—500

sheets. For lighter weights additional charges shall be made and computed on the 500 sheet basis as follows:

Add $1\frac{1}{2}\%$ of the selling price for each pound or fraction thereof below 50 pounds down to and including 40 pounds.

Example: Assuming paper at \$10.00 per cwt.
Basis 50 lbs.---- \$10.00 per cwt.

Basis 40 lbs.---- \$11.50 per cwt. (\$10.00 per cwt. plus $15\% - 1\frac{1}{2}\%$ per lb. from 50 lb. to 40 lb. basis weight)

(5) Any other differentials or special charges and any discounts or allowances or other pricing elements not specifically provided for in this paragraph (d) shall be applied by each manufacturer in accordance with his practice during the period October 1, 1941 through March 31, 1942.

(6) *Job lots and seconds.* "Job lots" and "seconds" shall be priced by each manufacturer in accordance with his practice during the period October 1, 1941 through March 31, 1942. The invoice covering any sale of jobs or seconds shall state that the paper is a "job lot" or "seconds."

Appendix B: Maximum prices for all sales of book paper by manufacturers which cannot be priced under Appendix A. The maximum price for all sales of book paper except spot sales to merchants and except spot or contract sales to the U. S. Government or any agency thereof shall be determined under paragraph (a) of this Appendix B in all cases where during the period October 1, 1941 through March 31, 1942 the manufacturer delivered or offered for delivery the same or a similar grade to any person. The maximum price for all such sales of grades not delivered or offered for delivery during that period shall be determined under paragraphs (b) or (c) of this Appendix B.

"Similar grade" means a grade that is considered by the manufacturer to be in the same category, which has substantially the same characteristics, is capable of the same uses, is made by the same processes and machine operations in the same range of basis weights, and is customarily or normally sold in the same price range.

(a) In those cases in which the manufacturer delivered or offered for delivery during the period October 1, 1941 through March 31, 1942 the same or a similar grade in a like quantity to a purchaser in the same line of business, the maximum price shall be the highest price charged upon any such sale during that period. In those cases in which the manufacturer delivered or offered for delivery during the period October 1, 1941 through March 31, 1942 the same or a similar grade in an unlike quantity or to a purchaser in a different line of business, the maximum price shall be the highest price charged for the same or similar grade during that period for any quantity and to any purchaser, adjusted upward or downward, as the case may be, in accordance with the manufacturer's usual system of differentials and charges with respect to sales in

varying quantities or to purchasers in different lines of business.

A quantity shall be deemed to be a "like quantity" with another if both fall within one of the following brackets:

250 tons or less.
251 tons through 1000 tons.
1001 tons through 5000 tons.
5001 tons or more.

In determining the quantity of a particular sale under a continuing contract or like agreement, the manufacturer shall not consider the amount of any individual delivery, but rather the total of such deliveries reasonably to be expected under that contract or agreement for the life thereof, but not over a period of more than one year.

A purchaser shall be "in the same line of business" as another purchaser in any case in which the industry generally so classifies purchasers in accordance with the nature of their business or the use which they make of the paper purchased. For example, purchasers within any one of the following groups would be considered purchasers in the same line of business as any other person within the same group: book publishers, magazine publishers, printers, and label manufacturers.

To any maximum price established under this paragraph (a) there shall be applied the manufacturer's usual differentials and charges wherever varying conditions of sale with respect to finish, packing, color, zone, etc. warrant the application of such differentials and charges, except that lightweight differentials shall be determined in accordance with paragraph (d) below.

(b) The maximum price for a grade of book paper which was not delivered or offered for delivery by the manufacturer during the period October 1, 1941 through March 31, 1942 shall be a price in line with the maximum price determined under paragraph (a) of this Appendix B for the nearest related grade of book paper. "The nearest related grade" shall be that grade of paper delivered or offered for delivery by the manufacturer during the period October 1, 1941 through March 31, 1942 which is of the same general type as the grade being priced, is manufactured for the same general use or uses, and for which current total cost is closest to the total cost of the grade being priced.

A price for any such grade shall be "in line" only if the difference between that price and the price for the nearest related grade is not in excess of the dollar and cent difference between the total cost of that grade and the total cost of the nearest related grade. Prices for and costs of both grades shall be on the same basis as to quantity, finishing, packing, and other conditions of manufacture or sale, and shall be computed on the basis of costs prevailing at the time when such "in line" price is being determined in accordance with the manufacturer's usual method of determining total costs during March 1942.

To the maximum "in line" price thus determined for such grade there shall

be applied the manufacturer's usual differentials and charges, wherever those differentials and charges are applicable, except that light weight differentials shall be determined in accordance with paragraph (d) below.

A maximum price determined by a seller under this paragraph (b) must be reported to and confirmed by the Office of Price Administration. If this confirmation is not obtained prior to the time of making the sale, the seller must agree to refund to the purchaser any amount paid in excess of the confirmed maximum price. Confirmation of a maximum price determined under this paragraph (b) shall be obtained as follows: the seller must submit to the Office of Price Administration in Washington, D. C. a statement setting forth all of the relevant facts including the following:

(i) Description of the grade being priced;

(ii) Completed Form Q-52 (forms available upon application to the Paper and Paper Products Branch, Office of Price Administration, Washington, D. C.) which covers cost and price data on that grade and on the related grade with which the price comparison was made;

(iii) A sample sheet of each grade.

When a maximum price as proposed is not disapproved by the Office of Price Administration within 20 days after the above material is filed, it shall be considered confirmed. Confirmation need be obtained only once with respect to each grade involved.

(c) Any maximum price which cannot otherwise be determined under this Appendix B shall be determined by the Office of Price Administration in Washington, D. C., by order upon receipt of an application from the manufacturer setting forth a description of the grade and the reasons why it cannot be priced under any other provision of this Appendix B, and including a completed Form Q-52 with respect to the costs of such grade. (Copies of Form Q-52 available upon application to the Paper and Paper Products Branch, Office of Price Administration, Washington, D. C.)

(d) *Lightweight differentials.* The upcharges for light weights provided for in paragraph (d) of Appendix A of this regulation shall apply to all sales for which prices are determined under this Appendix B, except that such upcharges shall apply to sales of book paper for use in a periodical publication only on the downward changes in basis weights which shall have occurred since March 1942.

Example: Assuming paper at \$10.00 per cwt. supplied for a periodical publication.
Basis weight of paper for publication, March 1942—25 x 38—43/500
Basis weight of paper for identical publication, since reduced to 25 x 38—41
Price for 41 lb. paper—\$10.30 (\$10.00 per cwt. plus $3\% - 1\frac{1}{2}\%$ per lb. from 43 lb. to 41 lb. basis weight)

(e) *Notification.* (1) On or before October 1, 1943 each manufacturer of book paper shall file with the Office of

Price Administration in Washington, D. C., the maximum prices he has determined under paragraph (a) of this Appendix B for his sales of each grade sold by him to purchasers in each line of business and in each tonnage category specified in that paragraph (a) in which he deals. This information shall thereafter be filed within 30 days after each sale for which a maximum price has not already been reported.

(2) In all cases in which the application by a manufacturer of the provisions of paragraph (a) of this Appendix B results in a price to an individual purchaser higher than the price at which sales of the same or a similar grade in a like quantity were made to that purchaser during the period October 1, 1941 through March 31, 1942, (unless such increase is justified by the application of the lightweight differentials permitted under paragraph (d) above or by the application of generally recognized differentials or charges resulting from actual changes in the paper purchased) the manufacturer shall file with the Office of Price Administration in Washington, D. C., a statement of the relevant facts on which such price change was based.

(f) *Provisions relating to purchasers.*

(1) In all cases in which subsequent to the issuance of this regulation the price paid by any purchaser is increased over the highest price paid by that purchaser to the person who supplied him the paper in question during the period October 1, 1941 through March 31, 1942 (unless such increase is justified by the application of the lightweight differentials permitted under paragraph (d) above or by the application of generally recognized differentials or charges resulting from actual changes in the paper purchased) the purchaser shall file with the Office of Price Administration in Washington, D. C. a statement showing the name of the supplier or suppliers involved and the price-increase effected.

(2) Any purchaser who is able to show that the price charged him for the same book paper has increased subsequent to March 31, 1942, and that he is unable to absorb such increased costs without suffering substantial hardship, may petition the Office of Price Administration to lower that price by order. No such petition may be granted until the book paper manufacturer involved has been given full opportunity to show why it should not be granted. Such petition shall be filed in accordance with the provisions of Revised Procedural Regulation No. 1.

Effective date. This Maximum Price Regulation No. 451 shall become effective August 25, 1943.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 19th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13542; Filed, August 19, 1943;
11:29 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL
COMMODITIES

[MPR, 455]

CABBAGE SEED

In the judgment of the Price Administrator, the prices of cabbage seed have risen and are threatening to rise further to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942 as amended, and are thereby causing undue increases in prices.

The Administrator has considered all pertinent provisions of the Emergency Price Control Act of 1942, as amended, and has complied with all requirements thereof.

The maximum prices established by this Maximum Price Regulation No. 455 are, in the judgment of the Price Administrator, generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

§ 1439.5 *Maximum prices for cabbage seed.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, and with the concurrence of the Food Administrator, Maximum Price Regulation No. 455, Cabbage Seed, which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1439.5 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 455—CABBAGE
SEED

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 6. Export sales.
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SECTION 1. *Prohibition against sales above the maximum price.* While this regulation is in effect, regardless of any contract, agreement or other obligation, no person to whom this regulation is applicable shall sell, offer for sale or deliver any cabbage seed subject to this regulation at prices higher than the maximum price specified in this Maximum Price Regulation No. 455, and no person in the course of trade shall buy, solicit, or receive any such cabbage seed at a price higher than the maximum prices specified in this Maximum Price Regulation No. 455, and no person shall agree, solicit or attempt to do any of the foregoing.

*Copies may be obtained from the Office of Price Administration.

SEC. 2. *Less than maximum prices.* Lower prices than those provided for in this Maximum Price Regulation No. 455 may be charged, demanded, paid or offered.

SEC. 3. *Applicability.* This regulation shall apply to all sales, whether for immediate or future delivery, of domestic and imported cabbage seed.

SEC. 4. *Definitions.* (a) As used in this regulation the following terms shall have the following meanings:

(1) "Person" includes any individual, corporation, partnership, association or other organized group of persons or the legal successor or representative of the foregoing; and the United States or any other government or any political subdivision or agency of any of the foregoing.

(2) "Cabbage seed" (*brassica capitata*) is the seed used to grow cabbage.

(3) "Farmer-grower" is a person who handles the field operations of planting, cultivating and harvesting cabbage seed on his own account.

(4) "Commercial-grower" is a person who performs the field operations of planting, cultivating and harvesting a crop of cabbage seed or who contracts with a farmer, whom he supplies with stock seed, to perform said field operations for him; and who cleans, purifies, tests in a laboratory, sacks and labels cabbage seed pursuant to all applicable state or federal seed laws.

(5) "Jobber or wholesaler" is a person who sells cabbage seed owned by him from out of a warehouse in which he has stored the same to commercial-growers, retailers, plant growers and produce growers, and processors such as canners, freezers and dehydrators.

(6) "Retailer" is a person who sells cabbage seed owned by him to a market gardener, home gardener, farmer-grower, or any other planter not specifically named in this regulation.

(7) "Plant grower" is a person who grows and sells small plants to be used for planting to yield a crop of cabbage.

(8) "Produce grower" is a person who grows cabbage and sells the same in terminal markets.

(9) "Market gardener" is a person who grows cabbage and sells the same in nearby markets.

(10) "Home gardener" is a person who grows cabbage for his own use.

(11) "Billing charge" means a charge or entry as a part of the bookkeeping system of debits and credits made between different departments, branches or units of an affiliated group of concerns or organizations for services rendered or commodities delivered by one to another.

(12) "Each class of sales or deliveries" means all of the sales or deliveries of cabbage seed by each seller during the base period to one of the following groups or classes of buyers or recipients: farmer-growers, commercial growers, jobbers or wholesalers, retailers, plant growers and produce growers, market gardeners and home gardeners, processors as aforesaid, and any other planters not hereinbefore specifically mentioned.

(13) "Transportation charges" shall be computed at:

(i) The lowest common carrier rate including the 3 per cent transportation tax provided for in Section 620 of the Revenue Act of 1942, as amended, for the billing or shipment in question; or (ii) if there is no such rate, the reasonable value of the service (including said 3 per cent tax, if any) not exceeding any maximum prices established therefor.

Sec. 5. *Maximum prices for the sale or delivery of cabbage seed.* (a) Each seller's maximum price and billing charge for all sales or deliveries of cabbage seed shall be his highest price or billing charge charged on and for each class of sales or deliveries of each variety of cabbage seed of the 1943 crop during the period between February 15 and May 16, 1943.

However, in determining "his highest price or billing charge" the seller shall not commingle f. o. b. selling prices and billing charges with delivered selling prices and billing charges. If for a given class of sales or deliveries during said base period he had both, then his highest price or billing charge f. o. b. his established place of business shall be his maximum price and billing charge f. o. b. his established place of business hereunder; and his highest price or billing charge delivered to a given point (or area including all territory within which he had a uniform delivered price or billing charge during said base period) shall be his maximum price and billing charge delivered to that point or area hereunder. If under the foregoing provision a seller has no maximum delivered price or billing charge for any particular point or area he may determine the same by adding to his maximum price or billing charge f. o. b. his established place of business (determined as herein provided) the actual delivery cost as to each subsequent transaction; or he may take all or a representative list of prospective deliveries in a designated area and average his actual cost of such deliveries in said area and that figure added to his maximum f. o. b. price and billing charge shall be his uniform maximum delivered price and billing charge for that area. If under the foregoing provisions a seller had no maximum price or billing charge f. o. b. his established place of business, he may determine the same by taking his maximum price and billing charge delivered to a given point or area and deducting therefrom the actual delivery costs from his established place of business to or within that point or area and the figure obtained shall be his maximum price and billing charge f. o. b. his established place of business.

(b) If under the foregoing provision, a seller has no maximum price or billing charge for a given class of sales or deliveries, his maximum price and billing charge for such class of sales and deliveries shall be the maximum price or billing charge of his closest competitor for such class of sales and deliveries.

(c) If under the foregoing provisions a seller has a maximum price and billing charge for a given class of sales and deliveries for one or more, but not for all varieties of cabbage seed, he shall determine his maximum price and billing charge for those varieties for which

he has no such price or billing charge, by taking his maximum price and billing charge for that class of sales and deliveries for the most similar variety and add thereto or subtract therefrom the discount or premium, as the case may be, normal to his own business, or, if none, normal to the trade for the variety in question in relation to said most similar variety on which he has a maximum price and billing charge; and the resultant figure shall be his maximum price and billing charge for the variety in question.

(d) If any retailer cannot determine a maximum price for any cabbage seed under the foregoing provisions, he shall take as his maximum price for the 1943 crop his highest price for each class of sales or deliveries of each variety of cabbage seed of the 1942 crop, between February 15 and May 16, 1943. In the event the highest price he paid for a particular variety of the 1943 crop (not exceeding any maximum price thereof) exceeds the highest price he paid for the same variety of the 1942 crop, he shall add the difference between such highest prices to the highest price at which he sold said same variety of the 1942 crop during the above mentioned base period and the result shall be his maximum price for said particular variety of the 1943 crop. If a retailer cannot determine a maximum price under the foregoing provisions of this paragraph he shall apply paragraphs (b) and (c) of this section as if said paragraphs (b) and (c) succeeded this paragraph (d).

(e) If a retailer still cannot determine a maximum price, for any cabbage seed, he shall apply to the Seeds and Rice Section of the Office of Price Administration, Washington, D. C., for the establishment of such a price.

Sec. 6. *Export sales.* The maximum price for export sales of cabbage seed, unprocessed or processed, shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation.¹

Sec. 7. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the grant-

ing of an individual application for adjustment.

Sec. 8. *Evasion.* The price limitations set forth in this regulation shall not be evaded, whether by direct or indirect methods in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to any cabbage seed, unprocessed or processed, alone or in conjunction with any other commodity, or by way of commission, service, additional transportation, or other charge, discount, premium or other privilege, or by tying agreement, or other trade understanding, misgrading or otherwise.

Sec. 9. *Petitions for amendment.* Persons seeking an amendment of any provision of this regulation may do so in accordance with Revised Procedural Regulation No. 1.²

Sec. 10. *Enforcement.* Persons violating any provisions of this regulation are subject to the license revocation or suspension provisions, civil enforcement actions, suits for treble damages and criminal penalties as provided in the Emergency Price Control Act of 1942, as amended.

Sec. 11. *Records and reports.* Every person selling cabbage seed shall preserve for examination by the Office of Price Administration all his existing records relating to prices which he charged for sales or deliveries of cabbage seed during the period between February 15 and May 15, 1943 and prepare and maintain for examination by any person during ordinary business hours a statement showing his then existing maximum prices for cabbage seed. Any person selling cabbage seed who did not make any sales or deliveries during the base period, shall preserve for examination by the Office of Price Administration all his records of the methods used in establishing his maximum price.

This regulation shall become effective August 25, 1943.

NOTE: The record keeping provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 19th day of August 1943.

PRENTISS M. BROWN,
Administrator.

Approved:

MARVIN JONES,
Food Administrator.

[F. R. Doc. 43-13540; Filed, August 19, 1943; 11:27 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS
[MPR 456]

ALFALFA MEAL

In the judgment of the Price Administrator, the maximum prices established by this regulation are generally fair and equitable and comply with all the provisions and will effectuate the purposes of

¹ 8 F.R. 4132, 5987, 2662.

² 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

the Emergency Price Control Act of 1942, as amended, and of E. O. 9250 and E. O. 9328.

Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected.

A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

§ 1351.366 *Maximum prices for alfalfa meal.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order 9250 and Executive Order 9328, Maximum Price Regulation 456 (Alfalfa Meal) which is annexed, hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1351.366 issued under Pub. Laws 421 and 729, 77th Cong. and Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

**MAXIMUM PRICE REGULATION 456—
ALFALFA MEAL**

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Sec.

1. Applicability.
2. Effect of maximum prices.

**ARTICLE II—DEFINITIONS, MAXIMUM PRICES AND
TERMS OF SALE**

3. Definitions.
4. Maximum prices for sales of domestic alfalfa meal by processors.
5. Maximum prices for sales of domestic alfalfa meal by jobbers.
6. Maximum prices for sales of domestic alfalfa meal by wholesalers.
7. Maximum prices for sales of domestic alfalfa meal by retailers.
8. Maximum prices for sales of domestic alfalfa meal by any other person.
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ARTICLE III—MISCELLANEOUS PROVISIONS

12. Adjustable pricing.
13. Evasion.
14. Records and reports.
15. Enforcement.
16. Protests and petitions for amendment.

Article I—Scope of This Regulation

SECTION 1. Applicability. (a) Except as provided in paragraph (b) of this section, this regulation shall govern all sales whether for immediate or future delivery, of domestic or imported alfalfa meal within the forty-eight states and the District of Columbia of the United States.

(b) This regulation shall have no application to those sales or deliveries of domestic and imported alfalfa meal within the area known as Region VIII as now or hereafter established by the Office of Price Administration which sales and deliveries shall be and remain subject to Order now or hereafter issued by the Office of Price Administration Regional Administrator of said Region VIII under § 1499.18 (c) as amended of the General Maximum Price Regulation.

SEC. 2. Effect of maximum prices. (a) While this regulation remains in effect,

regardless of any contract or obligation, no person shall in the course of trade or business sell, deliver, buy or receive any alfalfa meal at prices above the maximum prices established by this regulation; nor shall any person agree, offer, solicit or attempt to do any of the foregoing.

(b) However, prices lower than the maximum prices established by this regulation may be charged and paid.

Article II—Definitions, Maximum Prices and Terms of Sale

SEC. 3. Definitions. When used hereinafter in the following terms shall have the following meanings:

"Person" means an individual, corporation, partnership, association or other organized group of persons or the legal successor or representative of any of the foregoing, and includes the United States or any other government or any political subdivision or agency of any of the foregoing.

"Processor" is a person who produces alfalfa meal from alfalfa hay.

"Chopped alfalfa" is the entire alfalfa hay, chopped or cut and not ground finely enough to become a meal. It must not contain an admixture of alfalfa straw or other foreign material.

"Alfalfa meal" is the product obtained from the grinding of the entire alfalfa hay, without the addition of any alfalfa stems, alfalfa straw or foreign material, or the abstraction of leaves. It must be reasonably free from other crop plants and weeds, and must not contain more than 33 per cent of crude fibre.

"Alfalfa leaf meal" is the ground product consisting chiefly of leafy materials separated from alfalfa hay or meal. It must be reasonably free from other crop plants and weeds and must not contain more than 18 per cent of crude fibre.

"Alfalfa stem meal" is the ground product remaining after the separation of the leafy material from alfalfa hay or meal. It must be reasonably free from other crop plants and weeds.

"Dehydrated" means artificially dried. "Jobber" is a person who buys alfalfa meal and resells the same except to a feeder without unloading into a warehouse.

"Wholesaler" is a person who buys alfalfa meal, unloads it into a warehouse and resells the same to a retailer or a person who processes the same further. It includes a processor who transports and unloads the aforesaid products into a warehouse operated as a place of business separate from the production plant and thereafter sells the same to the persons above mentioned.

"Retailer" is a person who buys alfalfa meal and resells the same to a feeder. It includes a processor where he transports and unloads the aforesaid products into a store operated as a place of business separate from the production plant and thereafter sells the same to a feeder.

"Feeder" is a person who feeds any alfalfa meal to animals or poultry.

"Carload lot" means a lot of alfalfa meal of 60,000 pounds or more.

"Less than carload lot" means a quantity less than 60,000 pounds.

"Transportation charges" shall be computed at:

(i) The lowest common carrier rate (including the 3% tax provided for in Section 620 of the Revenue Act of 1942, as amended) for the billing or shipment in question; or

(ii) If there is no such rate, the reasonable value of the service (including the 3% tax, if any) not exceeding any maximum price established therefor.

SEC. 4. Maximum prices for sales of domestic alfalfa meal by processors.

(a) The maximum price for the sale and delivery of alfalfa meal in carload lots bulk, per ton, by a processor at production plant shall be the basic price set forth below for each type or variety less the transportation charges at the lowest domestic carload flat all rail rate from production plant to Boston, Massachusetts: *Provided*, That said transportation charges so to be deducted shall never exceed \$13.50 per ton.

(b) Dehydrated alfalfa meal.

	Basic price per ton
Alfalfa leaf meal.....	\$64.70
Alfalfa meal.....	
20% or over of protein.....	62.70
17% up to 20% of protein.....	59.70
15% up to 17% of protein.....	56.70
Less than 15% of protein.....	52.70
Alfalfa stem meal.....	42.70

(c) Sun cured alfalfa meal.

No. 1 or choice alfalfa leaf meal.....	\$56.70
Standard alfalfa leaf meal.....	52.70
No. 1—Fine ground.....	44.70
No. 1—Medium.....	42.70
No. 1— $\frac{1}{4}$ in. screen.....	43.20
No. 1— $\frac{1}{2}$ in. screen.....	43.70
No. 1—Alfalfa stem meal.....	39.70
No. 1—Chopped alfalfa.....	52.70

The foregoing basic prices for each such kind of sun-cured alfalfa meal shall be reduced by \$2.00 per ton for No. 2 and by \$4.00 per ton for sample grade meal.

(d) The foregoing maximum prices shall be increased for sales of alfalfa meal, bulk, in a less than carload lot by a processor at production plant at the rate of \$1.00 per ton.

(e) The foregoing maximum prices shall be increased for sales of alfalfa meal, bulk, by a processor delivered at any other point by the transportation charges actually incurred by him from production plant to his buyer's receiving point, except that where shipment is made in carload lots by railroad, the flat carload rail rate, plus tax, may be used to determine the maximum delivered price.

SEC. 5. Maximum prices for sales of domestic alfalfa meal by jobbers. The maximum price for the sale of domestic alfalfa meal by a jobber shall be:

(a) 50 cents per ton (maximum markup) for all sales in carload lots; and

(b) \$1.00 per ton (maximum markup) for sales in less than carload lots or pool car lots, over the maximum price which he could lawfully have paid a processor for the quantity or quality of the commodity as purchased by him and which he is reselling plus transportation charges actually incurred by the seller in respect to the lot sold.

SEC. 6. Maximum prices for sales of domestic alfalfa meal by wholesalers. The maximum price for the sale of do-

*Copies may be obtained from the Office of Price Administrator.

mestic alfalfa meal shall be \$2.50 per ton (maximum markup) for sales of alfalfa meal, over the maximum price which he could lawfully have paid the processor or jobber for the quantity and quality purchased (from out of which lot the sale in question is made) delivered at his warehouse plus transportation charges actually incurred by the seller from said warehouse to the buyer's receiving point.

SEC. 7. *Maximum prices for sales of domestic alfalfa meal by retailers.* The maximum price for sales of domestic alfalfa meal by a retailer shall be \$7.00 per ton (maximum markup) over the maximum price which he could lawfully have paid the processor, jobber, or wholesaler for the quantity and quality purchased (from out of which lot the sale in question is made) delivered at his receiving point plus transportation charges actually incurred by the seller from his receiving point to his buyer's receiving point.

SEC. 8. *Maximum prices for sales of domestic alfalfa meal by any other person.* (a) The maximum prices for the sale of any alfalfa meal by any other person of a class of seller not hereinbefore specifically provided for shall be the maximum price which the person from whom he purchased could lawfully have charged for a like sale.

(b) Notwithstanding any other provision of this regulation, sales between persons of one of the classes of sellers hereinbefore specifically provided for shall be permissible: *Provided*, That no such sales, nor sales to a person of a different class, shall be at a higher price than the maximum price hereinbefore prescribed for said class of sellers.

SEC. 9. *Increase for sacks.* When any seller has bulk domestic or imported alfalfa meal and desires to sell the same sacked the foregoing maximum prices where determined on a bulk basis shall be increased at the following rates per ton:

(a) In seller's sacks, the reasonable market value of the sacks used, not exceeding any maximum price thereon at the time of the sale or delivery: *Provided*, That if the sacks were purchased from the buyer by the seller the seller shall not charge more than the price he paid for such sacks.

(b) In buyer's new or recleaned sacks \$0.50.

(c) In buyer's sacks of any other kind \$1.00.

SEC. 10. *Maximum prices for sales of imported alfalfa meal.* (a) The basic maximum price for the sale (within the 48 states and the District of Columbia of the United States) of any imported alfalfa meal shall be the maximum price for a like sale by a processor of a like quantity and quality of the domestic product produced at that domestic production plant located nearest the port of entry.

(b) Jobbers, wholesalers and retailers making sales (within the 48 states and the District of Columbia of the United States) of any such imported products shall add their respective permitted

markups as provided as to domestic products over the basic maximum price of the imported products as provided in paragraph (a) of this section.

(c) A mixed feed manufacturer in determining his maximum prices under Maximum Price Regulation 378 on his mixed feed for animals and poultry shall calculate his "cost" of any such imported products at the maximum price thereof as above provided if he purchased the same within the 48 states and the District of Columbia of the United States; and if he did not then at the maximum price thereof as specified in paragraph (a) of this section.

SEC. 11. *Maximum prices for export sales.* The maximum price for export sales of alfalfa meal shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation.¹

Article III—Miscellaneous Provisions

SEC. 12. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 13. *Evasion.* The provisions of this regulation shall not be evaded whether by direct or indirect methods in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of any commodity covered by this regulation alone or in connection with any other commodity or by way of commission, service, transportation or other charge, or discount, premium or other privilege or by tying-agreement or other trade understanding or otherwise.

SEC. 14. *Records and reports.* (a) Every seller subject to this regulation shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect his customary records including, if any, all bills, invoices and other documents relating to every sale or delivery of alfalfa meal after the effective date of this regulation.

(b) Upon demand every such seller shall submit such records to the Office of Price Administration and keep such fur-

ther records as the Office of Price Administration may from time to time require.²

SEC. 15. *Enforcement.* Persons violating any provision of this regulation are subject to the license revocation or suspension provisions, civil enforcement actions, suits for treble damages, and criminal penalties as provided in the Emergency Price Control Act of 1942, as amended.

SEC. 20. *Protests and petitions for amendment.* Any person desiring to file a protest against or seeking an amendment of any provisions of this regulation may do so in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration.³

Effective date. This regulation shall become effective August 25, 1943.

NOTE: The record keeping provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 19th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13544; Filed, August 19, 1943;
11:31 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Reclamation

PART 230—RECLAMATION OF ARID LANDS BY THE UNITED STATES

RELEASE OF LIEN IN WATER RIGHT CERTIFICATE OR PATENT

Section 230.71 of part 230, also paragraph 72, General Reclamation Circular, May 18, 1916 (45 L. D. 403) on which the section is based, is hereby amended to read as follows:

§ 230.71 *When lien in water right certificate or patent will be released.* The Commissioner or the General Supervisor of Operations and Maintenance of the Bureau of Reclamation will, upon the full payment of all construction or building and betterment charges by any water user, issue certificate of the full payment of such charges releasing the lien therefor reserved in the final water right certificate or patent under the Act of August 9, 1912 (37 Stat. 265; 43 U.S.C. 541-546); (paragraph 72 Reg. May 18, 1916, 45 L. D. 403).

H. W. BASHORE,
Acting Commissioner.

Approved: August 3, 1943.

MICHAEL W. STRAUS,
First Assistant Secretary.

[F. R. Doc. 43-13525; Filed, August 19, 1943;
9:52 a. m.]

² Subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

³ 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

¹ 8 F.R. 4132, 7662, 5987.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[General Permit ODT 16-2]

PART 522—DIRECTION OF TRAFFIC MOVEMENT EXCEPTIONS, SUSPENSIONS, AND PERMITS

FREIGHT SHIPMENTS OF TIN PLATE AND TIN CANS VIA PORTS IN THE UNITED STATES

In accordance with the provisions of paragraph (a), § 502.48 of General Order ODT 16, It is hereby authorized, that:

§ 522.654 *Transportation of tin plate and tin cans to United States ports.* Any carrier may accept for transportation and transport, without observing the permit requirements of General Order ODT 16:

(a) Export freight, overseas freight or commercial freight consisting of tin plate billed to a port in the United States, when such freight is not to be exported in the form it is shipped to such port and the bill of lading or other shipping document contains a shipper's certification as follows: "Material not to be exported in present form."

(b) Export freight, overseas freight, or commercial freight consisting of tin cans to be loaded aboard a floating cannery at a port in the United States when the bill of lading or other shipping document contains a shipper's certification as follows: "For loading aboard a floating cannery."

(E.O. 8989, 6 F.R. 6725; Gen. Order ODT 16, 7 F.R. 5194)

This General Permit ODT 16-2 shall become effective August 18, 1943.

Issued at Washington, D. C., this 18th day of August 1943.

V. V. BOATNER,
Director,
Division of Railway Transport.
H. F. MCCARTHY,
Director,
Division of Traffic Movement.

[F. R. Doc. 43-13513; Filed, August 18, 1943; 1:36 p. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

PART 21—PACIFIC REGION NATIONAL WILDLIFE REFUGES

LOWER KLAMATH NATIONAL WILDLIFE REFUGE, CALIFORNIA AND OREGON

Under authority of section 84 of the act of March 4, 1909, 35 Stat. 1088, as amended by the act of April 15, 1924, 43 Stat. 98, and in extension of § 12.9 of the Regulations for the Administration of National Wildlife Refuges under the Jurisdiction of the Fish and Wildlife Service, dated December 19, 1940 (5 F.R. 5284) the following is hereby ordered:

Section 21.573, *Lower Klamath National Wildlife Refuge, California and Oregon, hunting*, is amended by adding

to paragraph (a) *Areas open to hunting*, the following:

(3) Impoundment Units 4 and 9, comprising all or parts of the following subdivisions: sections 14, 23, 24, 25, 26, 35, and 36, T. 48 N., R. 2 E.; sections 4, 5, 8, and 9, T. 47 N., R. 3 E.; and sections 29, 30, 31 and 32, T. 48 N., R. 3 E., Mount Diablo Meridian, and designated by suitable posting by the officer in charge of the refuge.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.
AUGUST 10, 1943.

[F. R. Doc. 43-13526; Filed, August 19, 1943; 9:52 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Office of the Secretary.

TRANSFERRING OF RECORDS OF THE BITUMINOUS COAL DIVISION TO SOLID FUELS ADMINISTRATION FOR WAR

The Bituminous Coal Act of 1937, as amended, will expire 12:01 a. m., August 24, 1943. Until such expiration, the records of the Bituminous Coal Division will be required for the administration of the Bituminous Coal Act of 1937. These records are likewise required and will continue to be required after August 24, 1943, by the Solid Fuels Administration for War for the purpose of effectuating Executive Order No. 9332 of April 19, 1943 (8 F.R. 5355).

Accordingly, I order, That:

All records of the Bituminous Coal Division of the Department of the Interior, both in its Washington and field offices, are hereby transferred to the Solid Fuels Administration for War, Department of the Interior. This order shall become effective 12:01 a. m., August 24, 1943.

Issued this 17th day of August 1943.

ABE FORTAS,
Acting Secretary of the Interior.

[F. R. Doc. 43-13537; Filed, August 19, 1943; 9:52 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order 771]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 12, 1943.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Kentucky 4008C3 Jackson.....	\$54,000
Kentucky 4054C3 Wayne.....	40,000
Minnesota 4089A3 Pine.....	30,000
Nebraska 4076E2 Southern Nebraska District Public.....	20,000
South Carolina 4026B2 Darlington.....	15,000
South Carolina 4037A4 Lexington.....	15,000

Project designation—Con.	Amount
Texas 4069C4 Erath.....	20,000
Texas 4077B3 Johnson.....	5,000

HARRY SLATTERY,
Administrator.

[F. R. Doc. 43-13561; Filed, August 19, 1943; 11:35 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order 210]

WHOLESALE, WAREHOUSING AND OTHER DISTRIBUTION INDUSTRIES

ACCEPTANCE OF RESIGNATION FROM AND APPOINTMENT TO INDUSTRY COMMITTEE

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor,

Do hereby accept the resignation of Bjorne Halling of Washington, D. C., from Industry Committee No. 63 for the Wholesale, Warehousing, and Other Distribution Industries, and do appoint in his stead James Moore of Washington, D. C., as representative for the Employees on such Committee.

Signed at New York, New York, this 16th day of August 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-13556; Filed, August 19, 1943; 11:36 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 2-401-B-2, 2-401-B-3, 193, 199, 206, 390, 504, 508, 509, 906 and 924]

CONTINENTAL AIRLINES, INC., ET AL.

NOTICE OF FURTHER HEARING

In the matter of the applications of Continental Airlines, Inc., Braniff Airways, Inc., Essair, Inc., Transcontinental & Western Air, Inc., and American Airlines, Inc., for certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended, and the petition of Fort Stockton, Tex., Alpine, Tex., and Brownwood, Tex.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, in the above-entitled proceeding, insofar as it relates to temporary air transportation service between El Paso and San Antonio, Texas, that further hearing is assigned for September 2, 1943, 10 a. m. (eastern war time) in Conference Room C, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets, N.W., Washington, D. C., before Examiner Thomas L. Wrenn.

Dated Washington, D. C., August 18, 1943.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43-13527; Filed, August 19, 1943; 10:10 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Special Permit 1 Under Service Order 147]

DENVER AND RIO GRANDE WESTERN RAILROAD CO.

INITIAL ICING OF PEACHES

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.317, 8 F.R. 11390) of Service Order No. 147 of August 13, 1943, permission is granted for:

The Denver and Rio Grande Western Railroad Company (Wilson McCarthy and Henry Swan, Trustees) to initially ice to capacity a refrigerator car or cars at Grand Junction, Colorado, for peach loading at points east of Grand Junction.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 17th day of August 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-13557; Filed, August 19, 1943;
11:39 a. m.]

[Special Permit 12 Under Service Order 126]

PENNSYLVANIA RAILROAD CO.

INITIAL ICING OF POTATOES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.308, 8 F.R. 7285) of Service Order No. 126 of May 29, 1943, as amended (8 F.R. 7728; 8 F.R. 8082; 8 F.R. 9033), permission is granted for:

The Pennsylvania Railroad Company to initially ice, but not in excess of 7,500 pounds of ice per car, WFE 61566, WFE 67847, FGE 34782, FGE 21460, and FGE 33238 containing potatoes originating on The Pennsylvania Railroad Company in New Jersey and consigned to various Army and naval installations in the States of Alabama, Florida, or Georgia.

Initial icing on the above cars shall take place at Potomac Yard, Virginia.

No reicing is allowed under this permit. The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with

the Director, Division of the Federal Register.

Issued at Washington, D. C., this 15th day of August 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-13558; Filed, August 19, 1943;
11:39 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 1909]

TRADE-MARKS OF CERTAIN ENEMY NATIONALS

Re: Trade-marks of enemy nationals involved in contested proceedings before the United States Patent Office.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That each of the corporations, partnerships, associations and other business organizations to which reference is made in the column headed "Owner" in Parts I and II of Exhibit A attached hereto and made a part hereof has its principal place of business in the country represented by the code number set forth after its respective name in said Exhibit A under the heading "RES" in accordance with the following:

28 represents Germany.

38 represents Italy.

39 represents Japan.

and is, therefore, a national of such foreign country or countries respectively;

2. That the property described in subparagraph 3 hereof is property of the persons whose names appear in the column headed "Owner" opposite the respective numbers thereof in said Exhibit A;

3. That the property described as follows:

(a) The trade-marks registered in the United States Patent Office under the numbers and on the dates set out in Part I of Exhibit A attached hereto and made a part hereof, the titles to which stand of record in the names of persons as stated in connection with each registration listed in said Exhibit A, and the registrations thereof, together with

(i) The respective good will of the business in the United States and all its possessions to which the trade-marks are appurtenant,

(ii) Any and all indicia of such good will (including but not limited to formulae, whether secret or not, secret processes, methods of manufacture and procedure, customers lists, labels, machinery, and other equipment,

(iii) Any interest of any nature whatsoever in, and any rights and claims of every character and description to, said business, good will and trade-marks and registrations thereof, and

(iv) All accrued royalties payable or held with respect to said trade-marks and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof;

(b) The trade-marks for which applications for registration have been filed in the United States Patent Office under the numbers and on the dates set out in Part II of Exhibit A attached hereto and made a part hereof in the names of the persons as stated in connection with each application listed in said

Exhibit A, and the applications for registration thereof, together with

(i) The respective good will of the business in the United States and all its possessions to which the trade-mark are appurtenant,

(ii) Any and all indicia of such good will (including but not limited to formulae, whether secret or not, secret processes, methods of manufacture and procedure, customers lists, labels, machinery, and other equipment),

(iii) Any interest of any nature whatsoever in, and any rights and claims of every character and description to, said business, good will and trade-marks and,

(iv) All accrued royalties payable or held with respect to said trade-marks and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof,

is property of nationals of foreign countries (Germany, Italy and Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on July 31, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

PART I

Trade-marks which are identified as follows and the titles to which stand of record in the United States Patent Office in the names of the registrants indicated respectively.

Reg. No.	Date	Owner	Res.
78,895	7/19/10 (renewed)	Kosaburo Nakayama.....	39
225,705	3/22/27	Salvatore Apicella & C.....	38
245,084	8/7/28	A. Robert Wieland.....	28
289,995	12/22/31	Atsumori Tamenaga.....	39
308,448	12/5/33	Societa Italiana Pirelli.....	38
316,882	9/4/34	Hans Vogt.....	28
342,995	2/9/37	L. G. Farbenindustrie Aktiengesellschaft.....	28
382,630	11/5/40	Zembei Miwa.....	39

PART II

Trade-marks and applications for registration thereof which are identified as follows and the titles to which stand of record in the United States Patent Office in the names of the applicants indicated respectively.

App. No.	App. Date	Owner	Res.
335,406	3/1/33	Jos. Wagner Bierbrauerei zum Augustiner.....	28
335,407	3/1/33	Jos. Wagner Bierbrauerei zum Augustiner.....	28
434,090	7/17/40	Union Gesellschaft für Metallindustrie, Sills, van de Loo & Co.....	28

[F. R. Doc. 43-13477; Filed, August 18, 1943; 11:09 a. m.]

[Vesting Order 1886]

REAL PROPERTY OF CARL OVERHAGE

Re: Real property owned by Carl Overhage, also known as Carl A. Overhage, and Gertrud Overhage, his wife.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Carl Overhage, also known as Carl A. Overhage, and Gertrud Overhage, his wife, is 36 Hohenzollernallee, Gera, Thuringen, Germany, and that they are residents of Germany and nationals of a designated enemy country (Germany);

2. That Carl Overhage, also known as Carl A. Overhage, and Gertrud Overhage, his wife, are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows: Real property situated in Santa Barbara County, Santa Barbara, California, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property.

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, subject to recorded

liens, encumbrances and other rights of record held by or for persons other than Carl Overhage, also known as Carl A. Overhage, or Gertrud Overhage, his wife, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on July 28, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All that certain lot or parcel of land situate in the County of Santa Barbara, State of California, and bounded and particularly described as follows, to-wit:

That portion of the westerly portion of the so-called Hope Ranch, according to the map thereof recorded in Book 16 at page 143 of Record of Surveys, in the office of the County Recorder of said county, described as follows:

Commencing at Station 28+33.10 in the center line of Las Plamas Drive, from which a concrete monument set at Station 28+16.42 on said center line, as shown on Sheet No. 1 of that certain map of Santa Barbara Estates Subdivision of Hope Ranch Park filed in the office of the County Recorder of Santa Barbara County on June 20, 1924, in Map Book 15, at pages 51 to 56, inclusive, bears North 17°29' East, a distance of 16.67 feet; thence along the center line of a private road known as Presada Road, North 70°58' West 618.99 feet to a ¾ inch iron pipe; thence leaving said private road and along the center line of a private road known as North Hierbe Drive, North 8°02' East 84.41 feet to a point which is the beginning of a curve to the right, said curve having a radius of 947.06 feet and a delta of 8°04'06", and whose long chord bears North 12°04'03" East 133.25 feet; thence along the arc of said curve to the end thereof and the true point of beginning of the tract of land herein described; thence North 53°58' West 108.09 feet to a point; thence North 82°36' West 107.63 feet to a 4 x 4 stake; thence North 19°02' East 123.58 feet to the center line of a 40 foot private road, said point being the beginning of a curve to the right having a radius of 698.58 feet and a delta of 8°10'32", and whose long chord bears North 81°56'44" East 99.60 feet; thence along the arc of said curve to the end thereof; thence North 86°02' East

73.69 feet to a point, said point being the beginning of a curve to the right having a radius of 41.96 feet and a delta of 120°; thence along the arc of said curve to the end thereof and a point in the center line of North Hierba Drive; thence southerly along the center line of said North Hierba Drive, along a curve having a radius of 947.06 feet, whose central angle is 9°55'54" and the long chord of which bears South 21°04'03" East 163.96 feet; thence along the arc of said curve to the point of beginning.

[F. R. Doc. 43-13536; Filed, August 19, 1943; 10:52 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supplementary Order ODT 3, Revised-15, Revocation]

ADVANCE EXPRESS CO., ET AL.

COORDINATED OPERATION AT EAU CLAIRE, WIS.

Charles Hildenbrand and Elias Hildenbrand, doing business as Advance Express Co., et al.

Upon consideration of an application for revocation of Supplementary Order ODT 3, Revised-15 (8 F.R. 2067), filed with the Office of Defense Transportation, and good cause appearing therefor,

It is hereby ordered, That Supplementary Order ODT 3, Revised-15 be, and it is hereby, revoked, effective August 23, 1943.

Issued at Washington, D. C., this 19th day of August 1943.

JOSEPH B. EASTMAN,
Director.

Office of Defense Transportation.

[F. R. Doc. 43-13528; Filed, August 19, 1943; 10:22 a. m.]

OFFICE OF PRICE ADMINISTRATION.

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following order was filed with the Division of the Federal Register on August 18, 1943.

Order Number and Name

MPR 136, Order 89, Reid Brothers Co., Inc.

Copies of this order may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-13538; Filed, August 19, 1943; 11:31 a. m.]

Regional, State and District Office Orders.

[Region V Order G-1 Under MPR 154, as Amended]

ICE IN METROPOLITAN NEW ORLEANS AREA

Order No. G-1 under Maximum Price Regulation Number 154, as amended—

Ice. Prices for ice in the New Orleans, Louisiana, metropolitan area, including the parishes of Orleans, Plaquemines, St. Bernard and Jefferson.

For the reasons set forth in the opinion issued simultaneously herewith and under authority vested in the Regional Administrator, Region V, Office of Price Administration, by § 1393.8 paragraph (e) of Maximum Price Regulation No. 154, it is hereby ordered:

(a) That maximum prices for ice sold in the parishes of Orleans, Plaquemines, St. Bernard and Jefferson, which Parishes make up the New Orleans metropolitan area, shall be as follows:

(1) Delivered prices:

Sales at retail—50¢ per cwt.

Sales at wholesale—40¢ per cwt.

Sales in quantities of 500 pounds or more, one delivery—35¢ per cwt.

(2) Dock prices:

Sales to peddlers—\$4.50 per ton.

Off the dock sales in quantities of less than 500 pounds to purchasers other than peddlers—40¢ per cwt.

Off the dock sales of 500 pounds or more to purchasers other than peddlers—30¢ per cwt.

(3) An additional 5¢ per cwt. for sizing or crushing ice, when such services are actually supplied by the seller, may be added to any of the above prices.

(4) Prices established by this order are on the basis of sales of units of 100 pounds or a unit of a ton of ice. In cases of sales of ice involving a part of a unit the maximum price shall be the proportional part of the appropriate unit price. If such proportionate unit price results in a dollars and cents price containing a fractional cent, the seller shall adjust the price up or down to the nearest cent; and in such an adjustment a half cent or more may be adjusted upward to the nearest cent.

(5) Car icing prices and carlot sales prices remain as established under Maximum Price Regulation No. 154.

(b) This order is subject to revocation or amendment by the Price Administrator at any time hereafter either by special order or by any price regulation issued hereafter, or by any amendment or supplement hereafter issued as to any price regulation the provisions of which may be contrary hereto.

(c) Except as specifically provided in this order, and for the types of purchases for which specific provision is made, the provisions of Maximum Price Regulation No. 154 are in no way affected and shall continue to remain in full force and effect.

This order shall become effective on the 12th day of July 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 7th day of July 1943.

C. B. BRAUN,
Acting Regional Administrator.

[F. R. Doc. 43-13496; Filed, August 18, 1943;
11:58 a. m.]

[Region V Order G-1 Under MPR 165, as Amended]

CLEANING AND PRESSING SERVICES AT WACO,
TEXAS

Order No. G-1 under Maximum Price Regulation No. 165, as amended—Services. Maximum prices for sellers of

cleaning and pressing services to the Veterans' Hospital at Waco, Texas.

For the reasons set forth in the Opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region V of the Office of Price Administration by § 1499.114 (d) of Maximum Price Regulation No. 165, as amended, it is hereby ordered:

(a) The maximum prices that may be charged or received by sellers to the Veterans Hospital at Waco, Texas, for cleaning and pressing and related services supplied to the Veterans Hospital under a contract of substantially the same form and content as was in effect during the period from January 1, 1943, to June 30, 1943, shall be established as follows:

(1) The seller's maximum prices established under Maximum Price Regulation No. 165, as amended, for retail customers for the same or similar services specified in such contract with the Veterans Administration, or prices listed in Table 1, paragraph (a) (2), whichever are lower.

TABLE 1

	Unit price
(2) Dry Cleaning and Pressing:	
Suit: Coat, vest and 2 pairs trousers, suit	\$.90
Suit: Coat, vest and 1 pair trousers, suit	.60
Suit: Coat and 2 pairs trousers, suit	.90
Suit: Coat and 1 pair trousers, suit	.60
Odd coat, each	.30
Odd vest, each	.10
Odd trousers, pair	.30
Overcoat, each	.75
Topcoat, each	.65
Topcoat, reversible, each	.65
Bathrobe, each	.60
Belt, cloth, each	.10
Blazer, each	.10
Cap, cloth, each	.10
Jacket, leather, each	1.00
Jacket, suede, each	1.00
Jacket, wool, each	.30
Mackinaw, each	.30
Necktie, each	.10
Scarf or Muffler, silk or wool, each	.15
Shirt, wool, or flannel, each	.30
Shirt, sport, cotton, rayon, or silk, each	.30
Slack suit, summer, 2 piece, suit	.60
Sweater, light weight, each	.30
heavy weight, each	.50

NOTE: Suits will consist of matched or unmatched garments.

Pressing only

[To include all necessary spotting of garments]

Coat, each	.20
Vest, each	.05
Trousers, pair	.20
Overcoat, each	.30
Topcoat, each	.30

Cleaning and blocking

Hat: felt, each	1.00
Hat: straw, each	1.00
Hat, Panama, each	1.00
Replace sweat band, furnish and sew on, each	.40
Replace hat band, furnish and sew on, each	.40

Repairing all garments

[Necessary material to be furnished by contractor]

Resew seam rips, over 6 inches, each	.35
Repair cloth rips or tears by cross-stitching over a piece of material, 3 inches or less, each	.50

TABLE 1—Continued
Repairing all garments—Continued

	Unit price
Same as above, over 3 inches, each	\$0.75
Repair cloth rips or tears, by insert, 3 inches or less, each	.50
Same as above, over 3 inches, each	.75
Furnish and install double arm shield or sweat pad, to lap over both the sleeve and coat lining (both sleeves), each	.75
Replace pocket, each	.45
Bind edges of pocket, each	.20
Repair single cuff of coat or trousers requiring the use of extra materials, each	.35
Repair buttonholes by buttonhole stitching, each	.15
Renew or replace missing belt loops, each	.20
Patching of holes or badly worn areas not over 6 inches in diameter as required, patching material to match garment as nearly as possible (other than linings and pockets), each	.60
Patching of holes or badly worn areas not over 6 inches in diameter in linings and pockets as required, patching material to match as nearly as possible, each	.40
Install double seat in trousers, each	1.00
Replace collar on overcoat, each	1.00

Replacing lining in suit coats

[Lining material to be a good grade of Celanese or Rayon]

Full lining, each	4.00
Half lining, each	3.00
Quarter lining, each	2.00
Single sleeve lining only, each	.75

Replacing lining in overcoats or topcoats

[Lining material to be a good grade of material]

Full line, each	4.50
Half lining, each	3.00
Quarter lining, each	2.00
Single sleeve lining only, each	.75

Miscellaneous linings

Replace lining in vest with suitable material, each	1.75
Replace back in vest with a good grade of material, each	1.00
Replace lining in waist band of trousers with suitable material, each	1.00
Shorten or lengthen both sleeves of suit coats, overcoats, or topcoats, pair	.75
Shorten or lengthen both legs of trousers, pair	.45
Shorten or lengthen suit coats, overcoats, or topcoats, each	1.50
Take up or let out waist band of trousers, each	.35
Take up or let out vest, each	.35
Replace or install zipper 9 inches to 15 inches long, each	1.00
Replace or install zipper 16 inches to 24 inches long, each	1.40
Remove zipper on trousers and replace with buttons, each	1.75
Furnish and sew leather pads on elbows of sweater, each	1.25
Return overcoat or topcoat in mothproof bag, each bag to be labeled with patient's name, Ward, and "C" number. (Mothproof bag to be furnished by contractor), each	.25

Dyeing

Dye overcoat, color as specified and replace buttons to match, each	4.00
Dye topcoat, color as specified and replace buttons to match, each	4.00

(b) Sellers who have not determined and established maximum prices for retail services for any of the cleaning and pressing or related services required un-

der the contract with the Veterans' Administration must take the prices set forth in Table 1, paragraph (a) (2).

(c) Prices established by this order shall be applicable only to sellers of cleaning and pressing and related services to the Veterans' Hospital at Waco, Texas, and the prices herein established may not be used by any sellers to establish the prices under § 1499.102 of Maximum Price Regulation No. 165, as amended.

(d) Prices lower than those established in this order may be charged and received by sellers of cleaning and pressing and related services to the Veterans' Hospital at Waco, Texas.

Issued this 3d day of July, 1943, at Dallas, Texas.

Effective the 8th day of July 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

MAX McCULLOUGH,
Regional Administrator.

[F. R. Doc. 43-13495; Filed, August 18, 1943;
11:58 a. m.]

[Region VI Order G-77 Under 18 (c)]

MILK THROUGH VENDING MACHINES IN COOK COUNTY, ILLINOIS

Order No. G-77 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of prices for one third quarts of milk through vending machines.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered:*

(a) The maximum price for milk in containers of $\frac{1}{2}$ quart sold through vending machines shall be 10¢.

(b) The minimum discount, rental, license fee or other charge payable by any seller of milk covered by this order to any person supplying a location for such vending machines or his designee, shall be 2¢ per $\frac{1}{2}$ quart bottle. No sales shall be made at prices higher than those provided by the General Maximum Price Regulation unless such minimum charge of 2¢ shall be paid. Whenever possible such charge shall be made payable to an employees' fund, organization, benefit plan or other group representing as nearly as may be practicable, actual or potential buyers of milk.

(c) This order shall apply to all sales by vending machines located in Cook County, Illinois.

(d) Within 60 days after the installation of any vending machine used for the sale of milk covered by this order, the supplier of milk for such vending machine shall file with the Adjustment and Review Section of the Regional Office of the Office of Price Administration a report stating the person, fund or organization to which payments are being made of the 2¢ per bottle discount provided by section (b).

(e) For the purposes of this order the term "milk" shall include all types of milk having a butterfat content not less

than 3.2%, including Homogenized Vitamin D, Chocolate milk and buttermilk.

(f) This order may be amended, corrected or revoked at any time.

This order shall become effective July 12, 1943.

Issued this 7th day of July 1943.

RAYMOND S. McKEOUGH,
Regional Administrator.

[F. R. Doc. 43-13504; Filed, August 18, 1943;
11:59 a. m.]

[Region VII Order G-4 Under MPR 165, as
Amended]

LAUNDRY IN DENVER, COLORADO

Order No. G-4 under Maximum Price Regulation No. 165, as amended—services. Adjustment establishing prices for minimum laundry bundles in Denver, Colorado.

Pursuant to the Emergency Price Control Act of 1942, as amended, § 1499.114 (d) of Maximum Price Regulation No. 165, as amended, and for the reasons set forth in an opinion issued simultaneously herewith, *It is hereby ordered:*

(a) *The applicants and service involved.* The applicants, Capital Laundry, Cascade Laundry, City Elite Laundry, Crescent Laundry, Denver Sanitary Laundry, Denver Wet Wash Laundry, Family Laundry, De Luxe Laundry, Ideal Laundry, Lantz Laundry, Sunshine Laundry, Silver State Laundry, Westminster Laundry, all of Denver, Colorado, heretofore brought to the attention of the Regional Administrator the matter of a serious labor shortage now existing in the laundry service, which said service is under § 1499.101 (c) (36) of Maximum Price Regulation No. 165, as amended. The Regional Office, in collaboration with the Denver District Office, has completed an investigation and upon consideration of all the facts and circumstances the Regional Administrator hereby promulgates this order.

(b) *Action taken.* From and after the effective date of this order all laundries within the corporate limits of the City and County of Denver, State of Colorado, are hereby permitted to charge as and for their maximum prices for servicing minimum laundry bundles as specified the amounts set forth below:

(1) For Rough Dry service a minimum charge for a bundle of 12 lb. or less—98¢ plus 7¢ per lb. for all weight over 12 lb., and 1¢ for each handkerchief ironed, and 8¢ for each shirt finished, with a minimum charge of 24¢ for shirts finished.

(2) For Dry Wash service a minimum charge for a bundle of 17 lb. or less—\$1.23 plus 7¢ per lb. for all weight over 17 lb., and 8¢ for each shirt finished, with a minimum charge of 24¢ for shirts finished.

(3) For Damp Wash service a minimum charge for a bundle of 16 lb. or less—73¢ plus 4¢ per lb. for all weight over 16 lb. and 8¢ for each shirt finished, with a minimum charge of 24¢ for shirts finished.

(4) For Family Finish service a minimum charge of \$2.80 per bundle figured on the basis of 7¢ per lb. plus 23¢ additional for each lb. of wearing apparel including shirts, with all excess over the minimum figured at the same rates per lb.

(5) For Straight Finish service the maximum prices shall be the seller's prices for straight finish as shown by his price list for straight finish service on file with the appropriate War Price and Rationing Board, with a minimum charge of 50¢ per bundle.

(c) *Definitions.* (1) "Rough Dry" means all handkerchiefs and flat work ironed ready to use, and all shirts either finished or unfinished at the customer's option.

(2) "Dry wash" means flat work ironed ready to use, and all shirts finished or unfinished at customer's option, and nothing else finished.

(3) "Damp wash" means no flat work ironed and shirts finished or unfinished at the customer's option.

(4) "Family finish" means everything finished ready to use or wear with no extra or minimum charge for shirts.

(5) "Straight finish" means every piece finished and ready to use or wear and charged for by the piece at the prices for piece work as shown on the seller's price list on file with the appropriate War Price and Rationing Board, with a minimum charge of 50¢ per bundle.

(d) *Applicability of other regulations.* Except to the extent that the same are inconsistent with or contradictory of the terms and provisions of this order, all of the terms and provisions of Maximum Price Regulation No. 165, as Amended, shall continue to apply to all persons furnishing and selling laundering services within the corporate limits of the City and County of Denver, State of Colorado, with like force and effect as though re-written herein.

(e) *Right to revoke or amend.* This order may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

(f) *Effective date.* This order shall become effective July 3, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681.)

Issued this 3d day of July 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-13497; Filed, August 18, 1943;
12:00 m.]

[Region VII Order G-36 Under 18 (c),
Amdt. 1]

FLUID MILK IN STATE OF NEW MEXICO

Order No. G-36 under § 1499.18 (c) of the General Maximum Price Regulation, Amendment No. 1. General order modifying wholesale and retail prices for fluid milk in the State of New Mexico.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulation, and for the reasons set forth in an opinion issued simultaneously herewith, *It is hereby ordered:*

1. Paragraph (j) (4) of Order No. G-36 is hereby amended to read as follows:

(4) "District No. 1 of the State of New Mexico" means all of the counties of Harding, Mora, San Juan and Taos, and

all of Rio Arriba County except a strip ten miles in width and immediately adjacent to the northern boundary line of Santa Fe County, including all of the town of Espanola.

2. Paragraph (j) (9) of Order No. G-36 is hereby amended to read as follows:

(9) "District No. 6 of the State of New Mexico" means all of the counties of Hidalgo, Luna, McKinley, Santa Fe, and that part of Rio Arriba contained within a strip ten miles in width and immediately adjacent to the northern boundary line of Santa Fe County, including all of the town of Espanola, and the municipality of Magdalena in the county of Socorro.

3. *Effective date.* This amendment shall become effective on July 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 1st day of July 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. D. Doc. 43-13503; Filed, August 18, 1943;
12:00 p. m.]

[Region VIII Order G-3 Under 18 (c), Amdt. 20]

FLUID MILK IN WASHINGTON STATE

Amendment No. 20 to Order No. G-3 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Order No. 4 under section 18 (c) of the General Maximum Price Regulation as amended). Fluid milk prices at wholesale and retail in the State of Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation: *It is hereby ordered*, That Order No. G-3 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Order No. 4 under section 18 (c) of the General Maximum Price Regulation as amended) be amended as set forth below:

(a) Section (1) as amended is hereby further amended by striking out the schedule of prices under the heading "The Towns of Moses Lake, Soap Lake, and Ephrata in Grant County" and substituting in place and stead thereof the following:

[Not less than 3.6% Milk Fat]

Quantity	Wholesale price	Retail price
Quart container.....	\$0.11	\$0.13
Half-pint container.....	.035	.05

This amendment shall become effective upon issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of July 1943.

FRANK E. MARSH,
Regional Administrator.

[F. R. Doc. 43-13499; Filed, August 18, 1943;
12:00 p. m.]

No. 165—7

[Region VIII Order G-3 Under 18 (c), Amdt. 21]

FLUID MILK IN WASHINGTON STATE

Amendment No. 21 to Order No. G-3 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly order No. 4 under section 18 (c) of the General Maximum Price Regulation as amended). Fluid milk prices at wholesale and retail in the State of Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered*, That Order No. G-3 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Order No. 4 under section 18 (c) of the General Maximum Price Regulation as amended) be amended as set forth below:

(a) Paragraph (1) of Order No. G-3 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Order No. 4 under section 18 (c) of the General Maximum Price Regulation as amended) as amended, is hereby further amended by striking out the heading "the city of Wenatchee" and by substituting in place and stead thereof the heading "Chelan County". This amendment shall become effective upon issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of July 1943.

FRANK E. MARSH,
Regional Administrator.

[F. R. Doc. 43-13500; Filed, August 18, 1943;
12:01 p. m.]

[Region VIII, Order G-3 Under 18 (c), Amdt. 22]

FLUID MILK IN WASHINGTON STATE

Amendment No. 22 to order No. G-3 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly order No. 4 under section 18 (c) of the General Maximum Price Regulation as amended). Fluid milk prices at wholesale and retail in the State of Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation; *It is hereby ordered*, That Order No. G-3 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Order No. 4 under section 18 (c) of the General Maximum Price Regulation as amended) be amended as set forth below:

(a) Section (1) as amended is hereby further amended by adding at the end thereof the following:

TOWNS OF PALOUSE AND GARFIELD
[Net less than 3.8% Milk Fat]

Quantity	Wholesale price	Retail price
Quart container.....	\$0.11	\$0.13
Half-pint container.....	.035	.05

This amendment shall become effective upon issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of July 1943.

FRANK E. MARSH,
Regional Administrator.

[F. R. Doc. 43-13501; Filed, August 18, 1943;
12:01 p. m.]

[Region VIII Order G-26 Under 18 (c)]

FIREWOOD ON BAINBRIDGE ISLAND, WASH.

Order No. G-26 under § 1499.18 (c) as amended of the General Maximum Price Regulation. Sales of firewood on Bainbridge Island, Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended of the General Maximum Price Regulation, *It is hereby ordered*:

(a) The maximum prices for sales and deliveries of fir firewood old growth or second growth, green or dry, cut to a length of 24 inches or less, on Bainbridge Island, Kitsap County, Washington, as established by sections 2 and 3 of the General Maximum Price Regulation or by any previous order issued pursuant to such Regulation or to any Supplementary Regulation thereto, are hereby adjusted so that the maximum price therefor shall be \$13.50 per cord delivered to the premises of the buyer.

(b) This order may be revoked, amended, or corrected at any time.

(c) This order shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 8th day of July 1943.

FRANK E. MARSH,
Regional Administrator.

[F. R. Doc. 43-13502; Filed, August 18, 1943;
12:01 p. m.]

[Region VIII Order G-5 Under MPR 329, Amdt. 1]

MILK IN CHELAN COUNTY, WASH.

Amendment No. 1 to Order No. G-5 under Maximum Price Regulation No. 329—Purchases of Milk from Producers for Resale as Fluid Milk.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 of Maximum Price Regulation No. 329: *It is hereby ordered*, That Order No. G-5 under Maximum Price Regulation No. 329 be amended as set forth below:

(a) Paragraph (a) is amended by striking out the words "the city of Wenatchee" and substituting the words "Chelan County".

This amendment to Order No. G-5 shall become effective upon issuance.

(Pub. Laws 729 and 421, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 6th day of July 1943.

FRANK E. MARSH,
Regional Administrator.

[F. R. Doc. 43-13498; Filed, August 18, 1943;
12:00 p. m.]

[Fort Worth Order G-1 Under Gen. Order 50,
Amdt. 2]

DOMESTIC MALT BEVERAGES IN FT. WORTH, TEXAS, AREA

Order No. G-1, Amendment No. 2 under General Order No. 50—Filing of prices by restaurants and similar establishments: Delegation of authority to fix maximum prices. Prices of domestic malt beverages.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Fort Worth, Texas, District Office of Region V of the Office of Price Administration by General Order No. 50, and Region V Delegation Order dated April 13, 1943, *It is hereby ordered*, That section 9 of Order No. G-1 be amended to read as follows:

SEC. 9. Maximum "dollars-and-cents" prices. (a) The maximum "dollars-and-cents" prices which may be charged for the beverage items subject to this order are:

(1) In bottles.

Brand or trade name	Maximum price per bottle		
	12 oz.	24 oz.	32 oz.
	Cents	Cents	Cents
Pabst Ale	20		
Budweiser	18		39
Blatz Pilsner	18		39
Canadian Ace	18		39
Hamm's Preferred	18		
Kingsbury Pale	18		39
Muehlebach Pilsner	18		39
Pabst Blue Ribbon	18		39
Pilsner Club	18	33	39
Schlitz	18		39
Schoor's Highland	18		
Silver Cream	18	33	39
A B C	13		
Berlin	13		29
Blue Bonnet	13		29
Embassy Club	13		29
Falstaff	13		29
Grand Prize	13		29
Haas	13		29
High Brau	13		
Jax	13		29
Jefferson	13		29
Koeller	13		
Lang	13		
Lone Star	13		
Mellow Brew	13	23	29
Mountain Top	13		
Muskegon	13		
Old Gold	13		29
Pearl	13		29
Pioneer	13	23	
Polo	13	23	
Pom Roy			29
Prima	13	23	29
Roebuck	13		
Shiner	13		
Silver Fox	13		29
Southern Select	13		29
Topaz	13		
White Seal	13		

(2) *On draught.* Any or all brands of domestic malt beverages (beer or ale) sold on draught by any "Eating or drinking place" to which this order applies, may be sold at a price not in excess of one cent for each fluid ounce, exclusive

of foam; *Provided, however,* That "Mich-elob" brand beer may be sold for one and one-half cents per fluid ounce, exclusive of foam.

(3) *Non-labeled bottles.* Any domestic malt beverage item (beer or ale) offered for sale or sold in bottles by any "Eating or drinking place" subject to this order, which does not have the manufacturer's label affixed thereto, or the trade name or brand stamped, printed, or engraved or appearing in raised letters on the cap or bottle as proper identification, shall not be offered for sale or sold at a price higher than the lowest maximum price fixed herein for the size of bottle of domestic malt beverage (beer or ale) offered for sale or sold.

This Amendment No. 2 to Restaurant Order G-1 shall become effective at 12:01 a. m., August 11, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681, Gen. Order 50, 8 F.R. 4808)

Issued at Fort Worth, Texas, this 9th day of August 1943.

MARK MCGEE,
District Director.

[F. R. Doc. 43-13524; Filed, August 18, 1943;
4:17 p. m.]

SECURITIES AND EXCHANGE COM- MISSION.

[File Nos. 70-717, 70-704]

UNITED LIGHT AND RAILWAYS COMPANY ET AL.

ORDER GRANTING APPLICATIONS AND PER- MITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of August 1943.

In the matter of the United Light and Railways Company, Continental Gas & Electric Corporation, Iowa-Nebraska Light and Power Company, Iowa Power and Light Company and Des Moines Electric Light Company, File No. 70-717; Illinois Iowa Power Company; File No. 70-704.

The Commission having, by order dated April 14, 1942, directed, among other things, that Illinois Iowa Power Company ("Illinois Iowa Power"), a registered public-utility holding company, sever its relationship with Des Moines Electric Light Company ("Des Moines Electric"), a registered holding company, and Iowa Power and Light Company ("Iowa Power"), a public utility subsidiary of Des Moines Electric, in an appropriate manner not in contravention of the applicable provisions of the Act or the Rules, Regulations and Orders promulgated thereunder;

The above-named companies and The United Light and Railways Company ("Railways"), a registered holding company and a subsidiary of The United Light and Power Company, also a registered holding company, Continental Gas & Electric Corporation ("Continental"), a registered holding company and a subsidiary of The United Light and Railways

Company, and Iowa-Nebraska Light and Power Company ("Iowa-Nebraska Light"), a subsidiary of Continental, having filed with this Commission applications and declarations, and certain amendments thereto, pursuant to sections 6, 7, 9, 10, 11 and 12 of the Act and Rules U-42, U-43, U-44, U-45, U-46 and U-50, and any other applicable sections of the Act or Rules thereunder, with respect to various proposed transactions, all as more particularly described in said applications and declarations, designed to accomplish, among other things, the disposition of all interest, direct and indirect, of Illinois Iowa Power in Iowa Power and Des Moines Electric, and the direct or indirect acquisition of such interest by Continental;

The Commission having found that the sale of the securities of Des Moines Electric and Iowa Power owned by Illinois Iowa Power is necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 and Illinois Iowa Power having requested that the order of the Commission approving the sale of its investment in Des Moines Electric and Iowa Power conform with the requirements of sections 371 and 1808 of the Internal Revenue Code, as amended to date, and contain the findings therein specified;

The Commission having issued a Notice of Filing and Order for Hearing on said applications and declarations and a public hearing having been held thereon in which all security holders of the applicants-declarants, and other interested persons, were given opportunity to be heard; and requests for findings and briefs having been filed by some of the applicants-declarants and waived by others, and oral argument having been waived by all applicants-declarants; and

The Commission having considered the record of the proceedings and having entered its Findings and Opinion herein, and deeming it appropriate in the public interest and in the interest of investors and consumers to permit the declarations, as amended, to become effective and to approve the applications, as amended, subject to the conditions hereinafter enumerated;

It is hereby ordered, That, subject to the terms and conditions prescribed in Rule U-24 and to the terms and conditions hereinafter specified, the aforesaid declarations, as amended, be and hereby are permitted to become effective and the aforesaid applications, as amended, be and hereby are granted forthwith; and without limiting the generality of the foregoing, the following specific transactions are authorized and approved:

(1) The surrender by Des Moines Electric to Iowa Power, and the acquisition by Iowa Power, of 20,000 shares of the common stock of Iowa Power and the credit by Iowa Power of \$200,000 to its paid-in surplus.

(2) The transfer by Des Moines Electric of 230,000 shares of common stock of Iowa Power to Illinois Iowa Power in partial liquidation of Des Moines Electric and the acquisition of such stock by Illinois Iowa Power.

(3) The purchase by Continental from Illinois Iowa Power, and the sale by that company to Continental, of 335,000 shares of common stock of Des Moines Electric and 230,000 shares of common stock of Iowa Power upon the terms and conditions set forth in the agreement entered into between Continental and Illinois Iowa Power as of March 1, 1943.

(4) The transfer by Continental to Iowa Power, and the acquisition by Iowa Power, of 335,000 shares of common stock of Des Moines Electric in exchange for 237,500 additional shares of common stock to be issued by Iowa Power; the issuance of such additional shares of common stock by Iowa Power and the acquisition thereof by Continental; and the credit by Iowa Power of \$2,486,685 to its paid-in surplus account in connection with said transactions.

(5) The sale by Illinois Iowa Power to Iowa Power, and the purchase by Iowa Power, of \$1,750,000 principal amount of General Refunding Mortgage Bonds of Des Moines Electric, \$3,000,000 of open account indebtedness owing by Des Moines Electric to Illinois Iowa Power and 2,600 shares of 7% Cumulative Preferred Stock of Iowa Power, for \$5,010,000 in cash plus the amount of accrued interest and dividends thereon at the date the transactions are consummated.

(6) The complete liquidation and dissolution of Des Moines Electric, involving (a) the transfer by Des Moines Electric of all its property and assets to Iowa Power, (b) the surrender by Iowa Power to Des Moines Electric for cancellation of all securities and indebtedness of Des Moines Electric at the time owned by Iowa Power, and (c) the assumption by Iowa Power of all other liabilities and obligations of Des Moines Electric.

(7) The acquisition by Iowa Power from Iowa-Nebraska Light, and the transfer by Iowa-Nebraska Light to Iowa Power, of all properties of Iowa-Nebraska Light located in the State of Iowa, together with the current assets appertaining to the operations of such properties, all upon the terms and conditions outlined in Division 6 of Form U-1 filed herein by Railways, et al., which include (a) the assumption by Iowa Power of all liabilities of Iowa-Nebraska Light appertaining to its Iowa properties and business, (b) the payment by Iowa Power to Iowa-Nebraska Light of approximately \$1,000,000 in cash, and (c) the issuance by Iowa Power to Iowa-Nebraska Light of 462,500 shares of common stock of Iowa Power.

(8) The partial liquidation of Iowa-Nebraska Light involving (a) the transfer by Iowa-Nebraska Light to Continental, as a partial liquidating dividend, of \$1,500,000 in cash, 462,500 shares of common stock of Iowa Power, and all the outstanding securities of Maryville Electric owned by Iowa-Nebraska Light (4,000 shares of common stock and \$340,000 of open account indebtedness); (b) the surrender by Continental to Iowa-Nebraska Light for cancellation, and the acquisition by Iowa-Nebraska Light, 68,650 shares of common stock of Iowa-Nebraska Light; (c) the transfer by Continental to Iowa-Nebraska Light, as a credit to paid-in surplus, of 10,758 shares

(par value \$1,075,800) of the common stock of Iowa-Nebraska Light; and (d) the write-off of Iowa-Nebraska Light's earned surplus deficit against such paid-in surplus.

(9) The issuance by Iowa Power of \$17,000,000 principal amount of 3¼% First Mortgage Bonds under an indenture of Mortgage and Deed of Trust and Supplemental Indenture substantially in the form appearing as Exhibits J and K to Form U-1 filed by Railways, et al. and the sale of such bonds to underwriters selected by competitive bidding upon the terms and conditions set forth in the Registration Statement of Iowa Power filed under the Securities Act of 1933 as such registration statement shall become effective; *Provided, however*, That the authorization referred to in this paragraph shall not become effective unless and until the Commission by supplemental order shall approve the underwriters' spread and the price at which such bonds are to be sold.

(10) The issuance by Iowa Power of \$2,500,000 principal amount of promissory notes maturing in ten equal annual installments on August 1, 1944 to August 1, 1953, inclusive, and bearing interest at the rate of 2¾% for the first five maturities and 2¼% for the last five maturities, and the sale of such notes to commercial banks and insurance companies upon substantially the terms and conditions set forth in the form of Loan Agreement appearing as Exhibit L to Form U-1 filed herein by Railways, et al.

(11) The application by Iowa Power of the proceeds to be received from the sale of the bonds and notes referred to in paragraphs 10 and 11 hereof for the purposes set forth in Division 8 of Form U-1 filed herein by Railways, et al., which will include the redemption by Iowa Power on or before January 1, 1944, of 10,133 shares of its 7% Cumulative Preferred Stock at 105% of the par value thereof plus accrued dividends, which redemption is hereby approved;

It is further ordered, That the accounting entries submitted by the applicants-declarants to reflect the foregoing transactions are approved: *Provided, however*, That jurisdiction is reserved over the accounting entries to be made to record the partial liquidation of Iowa-Nebraska Light as proposed and our approval of said partial liquidation is subject to the condition that if the remaining properties of Iowa-Nebraska Light, located in Nebraska, are not disposed of by December 1, 1943 the entries to be reflected in the year-end statements of Continental shall be submitted to us for approval;

It is further ordered, That Iowa Power, which may temporarily become a holding company pending consummation of the foregoing transactions, is hereby exempted from all provisions of the Act and Rules of the Commission thereunder applicable to holding companies, including the provisions of the Act providing for the registration of holding companies;

It is further ordered, That, in accordance with the request of applicants-declarants, the ten-day period for inviting bids with respect to the bonds of

Iowa Power, as provided by Rule U-50 (b), be shortened to a period of not less than six days.

It is further ordered, That the foregoing authorizations are subject to the following additional terms and conditions:

1. Jurisdiction is reserved to determine in the pending section 11 (b) (1) proceeding (a) whether properties of the Railways system in Kansas and Missouri and those in Illinois and Iowa may ultimately be retained in combination, either as part of the same integrated system or otherwise, (b) whether the system's electric properties in Fort Dodge and Mason City, Iowa are retainable, and (c) whether the gas properties and non-utility assets now owned by the system and those to be acquired in conjunction with the electric facilities of Des Moines Electric and Iowa Power are permanently retainable in the system.

2. Jurisdiction is reserved to pass upon the facts disclosed by the report with respect to the results of competitive bidding as required by Rule U-50 (c), to pass upon the sale price of the bonds of Iowa Power and the spread thereon, and to issue a supplemental order with respect thereto.

3. Jurisdiction is reserved with respect to the use of the proceeds received by Illinois Iowa Power from the sale of its interest in Des Moines Electric and Iowa Power.

4. Jurisdiction is reserved with respect to the reasonableness and the allocation of fees and expenses paid or incurred by the applicants-declarants in connection with the foregoing transactions except as to the fees and expenses, in the aggregate amount of \$164,220, referred to specifically and passed upon in our Findings and Opinion herein.

It is further ordered, That the sale by Illinois Iowa Power of the securities and indebtedness of Des Moines Electric, consisting of 335,000 shares of common stock \$1,750,000 principal amount of General Refunding Mortgage Bonds and \$3,000,000 of open account indebtedness owing to Illinois Iowa Power, and of the securities of Iowa Power, consisting of 230,000 shares of common stock and 2,600 shares of 7% Cumulative Preferred Stock, are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935. This paragraph is included at the request of Illinois Iowa Power in view of sections 371 and 1808 of the Internal Revenue Code, as amended.

By the Commission.

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-13510; Filed, August 18, 1943;
12:37 p. m.]

[File No. 812-330]

TRANS-OCEANIC AIR LINES, INC.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on 17th day of August A. D. 1943.

An application having been filed by Trans-Oceanic Air Lines, Incorporated, pursuant to section 6 (c) of the Investment Company Act of 1940 for an order exempting the applicant from the provisions of all sections of said Act and the Rules and Regulations promulgated by the Commission thereunder, excepting sections 13, 15, 17 (in part), 18, 19, 20 (b), 36 and 37 thereof, and the Rules and Regulations promulgated by the Commission under those sections respectively;

It is ordered, Pursuant to section 40 (a) of said Act, that a hearing on the aforesaid application be held on September 7, 1943, at ten o'clock, a. m., eastern war time in Room 318, Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania; and

It is further ordered, That William W. Swift, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-13512; Filed, August 18, 1943;
12:37 a. m.]

[File No. 70-762]

INDUSTRIAL GAS CORPORATION ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 16th day of August, A. D. 1943.

Industrial Gas Corporation, a wholly owned non-utility subsidiary of National Gas & Electric Corporation, a registered holding company, having filed an application seeking authority, pursuant to the first sentence of section 6 (b) of the Public Utility Holding Company Act of 1935, to issue and sell notes to banks, which notes (together with all other outstanding notes and drafts of a maturity of nine months or less, exclusive of days of grace, as to which such company is primarily or secondarily liable) may aggregate up to 15% of the principal amount and par value of the other securities of such company then outstanding; said authority to extend until June 30, 1944 and the proceeds from such issuance and sale of notes to be utilized to finance purchases of materials and supplies in connection with an expanded drilling program of such company;

Said application having been filed on July 17, 1943 and notice of filing having been given in the form and manner pre-

scribed in Rule U-23 under said Act and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of section 6 (b) are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application forthwith;

It is hereby ordered, pursuant to Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid application be, and hereby is, granted forthwith.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-13511; Filed, August 18, 1943;
12:38 p. m.]

[File No. 59-7]

CITIES SERVICE POWER AND LIGHT COMPANY ET AL.

ORDER REQUIRING DIVESTITURE BY HOLDING COMPANIES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 17th day of August, A. D. 1943.

Order requiring divestiture by holding companies and subsidiaries in holding company system of companies and properties owned or operated thereby.

The Commission having on March 4, 1940, by notice and order for hearing duly served, instituted proceedings under section 11 (b) (1) of the Public Utility Holding Company Act of 1935 against Cities Service Power & Light Company and its subsidiary companies; Cities Service Power & Light Company and its subsidiary companies having answered such notice and order, and hearings having been held, requests for findings of fact and briefs in support thereof having been filed and exchanged, oral argument having been heard; and the Commission having duly considered the matter, being fully advised in the premises and having this day issued its findings and opinion herein, and having determined that Cities Service Power & Light Company should be limited in its operations to those of the single integrated electric utility system of The Toledo Edison Company, The Ohio Public Service Company, and The Alliance Public Service Company, having determined that section 11 (b) (1) does not permit the retention of any additional integrated public-utility system together with the single integrated system operated by the said companies, and having determined that Cities Service Power & Light Company may retain, as reasonably incidental or economically necessary or appropriate to the said system the steam heating properties of The Toledo Edison Company,

It is ordered, That Cities Service Power & Light Company shall sever its relationship with the companies named here-

after by disposing or causing the disposition, in any appropriate manner not in contravention of the applicable provisions of the said Act or the Rules and Regulations promulgated thereunder, of its direct and indirect ownership, control, and holding of securities issued and properties owned, controlled, or operated by the following companies:

Federal Light & Traction Co.
Olympic Public Service Co.
Spokane Gas and Fuel Co.
East Tennessee Light and Power Co.
Danbury & Bethel Gas and Electric Light Co.
Knoxville Gas Co.
Durham Public Service Co.
Citizens Gas Fuel Co.
Community Traction Co.
The Maumee Valley Transportation Co.
The Lakeshore Coach Co.
Stark Transit Co., Inc.
The Electric Building Co.
Toledo and Indiana Realty Co.
Benton County Utilities Corporation.
City Light and Traction Co.
The Doniphan County Light & Power Co.
The Empire District Electric Co.
Lawrence County Water, Light & Cold Storage Co.
St. Joseph Railway, Light, Heat & Power Co.
Springfield Gas and Electric Co.
Albuquerque Gas and Electric Co.
Arvada Electric Co.
Cheyenne Lt. Fuel and Power Co.
Deming Ice and Electric Co.
Las Vegas Light and Power Co., The.
New Mexico Power Co.
Public Service Co. of Colorado.
Rawlins Electric Co.
Sheridan County Electric Co.
The Trinidad Elec. Trans. Ry. and Gas Co.
The Tucson Gas, Elec. Lt. & Power Co.
The United Hydro Electric Co.
Stonewall Electric Co.
Colorado-Wyoming Gas Co.
East Boulder Ditch Co.
Hillcrest Ditch and Reservoir Co., The.
Green and Clear Lakes Co.
Tucson Rapid Transit Co.
Federal Realty Co.
Eastern Colorado Power & Irrigation Co.
Colorado Interstate Gas Co.

and that Cities Service Power & Light Company shall cease to own, operate, or have any interest, direct or indirect, in the following:

The electric railroad properties of The Ohio Public Service Co.
The bus properties of The Alliance Public Service Co.
The hot water heating properties of The Toledo Edison Co.

and any other security, operation, or interest, direct or indirect, not found by the Commission in its findings and opinion herein to be retainable by Cities Service Power & Light Company.

The Commission desiring to afford to Cities Service Power & Light Company an opportunity to indicate its preference for limitation to any other single integrated public-utility system within its control, and such other utility and non-utility operations as may properly be attendant thereto, as set forth in the opinion of the Commission this day issued.

It is ordered, That, notwithstanding the provisions of Rule XII (d) of the Commission's Rules of Practice, Cities Service Power & Light Company may, within fifteen days of the date of this order, petition for leave to indicate a desire to be limited otherwise than in-

dictated herein and on the basis of a single system and retainable attendant operations as set forth in the opinion of the Commission herein; and the Commission retains jurisdiction to consider the said request and to make such amendment or modifications hereof and such other and further orders as may be necessary in the premises; and

The Commission having determined, on the basis of the record before it, to reserve jurisdiction as to retainability of the gas operations of The Toledo Edison Company in combination with the single integrated electric utility system herein designated as retainable by Cities Service Power & Light Company, jurisdiction is herein retained to reopen the record in these proceedings for such further evidence as may be introduced respecting compliance of the said gas operations with section 2 (a) (29) (B) of the Public Utility Holding Company Act of 1935 and the retainability thereof as herein indicated pursuant to section 11 (b) (1) of the said Act.

2. The Commission having determined that Federal Light & Traction Company should be limited in its operations to the single integrated electric utility system comprised of the electric utility properties of Albuquerque Gas and Electric Company, New Mexico Power Company, The Trinidad Electric Transmission Railway and Gas Company, and The Las Vegas Light and Power Company; having determined that section 11 (b) (1) does not permit the retention of any additional integrated public-utility system together with such integrated system, and having determined that Federal Light & Traction Company may retain, as reasonably incidental or economically necessary or appropriate, the properties of Stonewall Electric Company adjacent to such integrated system, and that portion of the water service properties of New Mexico Power Company necessary to supply generating facilities.

It is ordered, That Federal Light & Traction Company shall sever its relationships with the companies named hereafter by disposing or causing the disposition, in any appropriate manner not in contravention of the applicable provisions of the said Act or the Rules and Regulations promulgated thereunder, or its direct and indirect ownership, control, and holding of securities issued and properties owned, controlled, or operated by the following companies:

Olympic Public Service Co.
Springfield Gas and Electric Co.
Rawlins Electric Co.
Sheridan County Electric Co.
Tucson Rapid Transit Co.
Federal Realty Co.

and that Federal Light & Traction Company shall cease to own, operate or have any interest, direct or indirect, in the following:

The properties of Stonewall Electric Company adjacent to properties of Sheridan County Electric Company and The Tucson Gas, Electric Light and Power Company.

The water properties of New Mexico Power Company (excepting that portion necessary to supply generating facilities).

and any other security, operation or interest, direct or indirect, not found by

the Commission in its findings and opinion herein to be retainable by Federal Light & Traction Company.

Jurisdiction with respect to the issues affecting Deming Ice and Electric Company and The Tucson Gas, Electric Light & Power Company is retained.

The Commission desiring to afford to Federal Light & Traction Company an opportunity to indicate its preference for limitation to any other single integrated public-utility system within its control, and such other utility and non-utility operations as may properly be attendant thereto, as set forth in the opinion of the Commission this day issued.

It is ordered, That, notwithstanding the provisions of Rule XII (d) of the Commission's Rules of Practice, Federal Light & Traction Company may, within fifteen days of the date of this order, petition for leave to indicate a desire to be limited otherwise than indicated herein and on the basis of a single system and retainable attendant operations as set forth in the opinion of the Commission herein; and the Commission retains jurisdiction to consider the said request and to make such amendments or modifications hereof and such other and further orders as may be necessary in the premises; and

The Commission having determined, on the basis of the record before it, to reserve jurisdiction as to retainability of the gas operations of The Trinidad Electric Transmission Railway and Gas Company and Albuquerque Gas & Electric Company in combination with the single integrated electric utility system herein designated as retainable by Federal Light & Traction Company, jurisdiction is herein retained to reopen the record in these proceedings for such further evidence as may be introduced respecting compliance of the said gas operations with section 2 (a) (29) (B) of the Public Utility Holding Company Act of 1935 and the retainability thereof pursuant to section 11 (b) (1) of the said Act.

At such time as evidence concerning the above-mentioned gas operations is introduced Federal Light & Traction Company may also introduce evidence concerning the relation of the steam operations of The Trinidad Electric Transmission Railway and Gas Company to the gas operations of that company.

3. The Commission reserves jurisdiction to examine, at such later time as it shall deem proper, the relations of Electric Advisers, Inc. and Federal Advisers, Inc. to the utility properties of Cities Service Power and Light Company and Federal Light & Traction Company, and to make such further orders with relation to such companies as the Commission may deem necessary.

4. The Commission having herein ordered the disposition of miscellaneous investments of Cities Service Power & Light Company and Federal Light & Traction Company, but desiring nevertheless that notwithstanding the provisions of Rule XII (d) of the Commission's Rules of Practice the respondents shall have further opportunity to introduce evidence relevant to the retainability of said miscellaneous investments,

the respondents may, within fifteen days of the date of this order, petition for an opportunity to present further evidence as to the retainability of said miscellaneous investments.

5. If appropriate action is not taken respecting any matter herein left open for any specific period, this order, at the expiration of said period, shall become final in respect of such matters so left open.

It is provided, with respect to the findings, opinion and order herein, in their entirety, and with respect to the entry, publication, and service thereof that they shall be without prejudice to the right of the Commission to enter such other and further appropriate orders from time to time as the Commission may deem necessary to secure compliance by the respondents with the provisions of the Act and the pertinent rules and regulations thereunder and to carry out the provisions of this order; and

It is further provided, That jurisdiction is reserved to the Commission, notwithstanding this order, or its entry, publication, and service, to conduct such investigations, hearings, or other proceedings involving any or all of the respondents herein and to make such orders as it shall deem necessary or appropriate under section 11 (b) (2) or any other provision of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-13507; Filed, August 18, 1943;
12:38 p. m.]

[File Nos. 46-205 and 59-18]

THE MIDDLE WEST CORPORATION, ET AL.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of August 1943.

In the matter of the Middle West Corporation, Central and South West Utilities Company and American Public Service Company, respondents. File Nos. 46-205 and 59-18.

The Commission having, by its order dated June 4, 1942, entered pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935, directed that within one year the corporate existence of either Central and South West Utilities Company or American Public Service Company be terminated, and that the capitalization of said companies be changed to a single capitalization in a single corporation consisting of one class of stock, namely, common stock; and

The respondents, The Middle West Corporation, Central and South West Utilities Company and American Public Service Company having filed a joint application pursuant to section 11 (c) of said Act requesting an extension of time within which to comply with said order of June 4, 1942; and

The Commission having found that said respondents have been unable, in the exercise of due diligence, to comply

with said order within the initial statutory period of one year from the date of its entry, and that an extension of time is necessary and appropriate in the public interest and for the protection of investors; and that under the circumstances an extension should be granted for a period of one year.

It is hereby ordered, That said respondents be and they are hereby granted an additional period of one year dating from June 4, 1943 within which to comply with the said order of June 4, 1942.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-13506; Filed, August 18, 1943;
12:37 p. m.]

[File Nos. 70-740, 70-741, 70-743, 70-746]

UTILITIES EMPLOYEES SECURITIES
COMPANY ET AL.

ORDER APPROVING PLAN AND APPLICATIONS AND
PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of August, A. D. 1943.

In the matter of Utilities Employees Securities Company, File No. 70-740; Stanley Clarke, trustee of Associated Gas and Electric Company, Dennis J. Driscoll and Willard L. Thorp, trustees of Associated Gas and Electric Corporation, General Gas & Electric Corporation, and Associated Utilities Corporation, File No. 70-741; New England Gas and Electric Association, File No. 70-743; Noel T. Dowling, James V. Gilloon, Jr., and Joseph A. Shields, trustees under pension trust agreement dated December 14, 1937, as amended, File No. 70-746.

Joint applications and declarations having been filed under sections 9 (a), 10, and 12 of the Public Utility Holding Company Act of 1935 by the following: Utilities Employees Securities Company; Stanley Clarke, as trustee of Associated Gas and Electric Company; Denis J. Driscoll and Willard L. Thorp as trustees of Associated Gas and Electric Corporation; Associated Utilities Corporation; New England Gas and Electric Association; General Gas & Electric Corporation; and Noel T. Dowling, James V. Gilloon, Jr., and Joseph A. Shields as trustees under the Pension Trust Agreement dated December 14, 1937, as amended;

Hearings on said applications having been held after appropriate notice, and the Commission being fully advised and having this day issued its findings and opinion herein; and

It appearing that the transactions proposed in said applications constitute in the aggregate a voluntary plan for the liquidation of Utilities Employees Securities Company, to which the provisions of section 11 (e) of said Act are applicable;

On the basis of said findings and opinion, and pursuant to the foregoing provisions of said Act: *It is hereby ordered,*

Subject to the terms and conditions enumerated below:

(a) That said plan of liquidation be and it hereby is approved; and

(b) That said applications and declarations be and they hereby are approved and permitted to become effective, respectively.

The terms and conditions upon which this order is made are as follows:

(1) In the event Noel T. Dowling becomes unavailable as Welfare Trustee and a successor must be appointed, the name of any proposed successor and a statement of his qualifications shall be submitted to the Commission. If the Commission shall have issued an order for hearing thereon before the close of business on the tenth day following such submission, the proposed appointment shall not take effect except pursuant to further order of the Commission.

(2) Utilities Employees Securities Company shall mail to each of its bondholders who is an employee of the Associated system, or who was such an employee at any time subsequent to January 1, 1940, appropriate notice regarding the rights of employee bondholders to file and assert claims against Associated Gas and Electric Company, Debtor, in respect of the latter's guarantee of interest on said bonds.

(3) The Commission reserves jurisdiction to approve or disapprove any claims that may be asserted for fees or expenses in connection with the liquidation and dissolution of Utilities Employees Securities Company, exclusive of compensation and expenses of the Welfare Trustee for which provision has been made in the plan herein approved.

(4) The Commission reserves jurisdiction to approve or disapprove the terms of the Welfare Trust Agreement before the same shall become effective pursuant to the plan herein approved.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-13509; Filed, August 18, 1943;
12:37 p. m.]

[File Nos. 70-549, 70-551, 70-563, 70-602,
70-604]

ASSOCIATED ELECTRIC COMPANY ET AL.

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 13th day of August 1943.

In the matter of Associated Electric Company, Pennsylvania Electric Company, Keystone Public Service Company, NY PA NJ Utilities Company, and Bradford Electric Company, File Nos. 70-549, 70-551, 70-563, 70-602, 70-604.

Associated Electric Company, a registered holding company, its subsidiary, Pennsylvania Electric Company, NY PA NJ Utilities Company, a registered holding company, and its subsidiaries, Key-

stone Public Service Company and Bradford Electric Company, having filed applications-declarations, as amended, pursuant to sections 6 (b), 9 (a), 10, 12 (b), 12 (c), 12 (d), and 12 (f) of the Public Utility Holding Company Act of 1935 and the relevant Rules and Regulations promulgated thereunder, concerning proposals that:

(a) Associated Electric Company acquire from NY PA NJ Utilities Company all the outstanding 115,000 shares, \$1 par value, common stock, and 1,572 shares, no par value, \$2.80 cumulative preferred stock, of Keystone Public Service Company. In consideration therefor, Associated Electric Company will deliver to NY PA NJ Utilities Company \$1,832,500 principal amount of The Metropolitan Edison Corporation Secured Consolidated Refunding Gold Bonds, 6% Series, due 1961, which have been assumed by NY PA NJ. Adjustment will be made at closing date, in cash, for accrued interest on The Metropolitan Edison Corporation Secured Consolidated Refunding Gold Bonds, 6% Series, due 1961, and for accrued dividends on the Keystone Public Service Company preferred stock. In addition, Associated Electric Company will deliver either The Metropolitan Edison Corporation Secured Consolidated Refunding Gold Bonds, 6% Series, due 1961, or The Mohawk Valley Company 6% Consolidated Refunding Gold Bonds, due 1981 (assumed by NY PA NJ Utilities Company) to NY PA NJ Utilities Company, at 95% of their face value in an amount equal to the undistributed net earnings of Keystone Public Service Company from March 1, 1942, to date of closing.

(b) Associated Electric Company donate to Keystone Public Service Company, as a capital contribution, for the purpose of cancellation, the 1,572 shares of preferred stock of Keystone Public Service Company. Thereupon, Keystone Public Service Company will call for redemption, at the redemption price of \$52.50, the remaining 10,367 shares of its preferred stock outstanding in the hands of the public.

(c) Pennsylvania Electric Company acquire all assets of Keystone Public Service Company (including its investment portfolio and its investment in its subsidiary, Citizens Transit Company), and assume all its liabilities (including liability for the call of the preferred shares of Keystone Public Service Company), in consideration of the issue to Keystone Public Service Company of 20,898 shares of the \$20 par value common stock of Pennsylvania Electric Company.

(d) Pennsylvania Electric Company issue and sell, at private sale to the Pennsylvania Company for Insurance on Lives and Granting Annuities, a 2½%, 5-year, serial note in the principal amount of \$500,000, the proceeds to be used, along with other funds, to redeem the publicly held preferred stock of Keystone Public Service Company.

(e) Keystone Public Service Company transfer to Associated Electric Company

the 20,898 shares of common stock of Pennsylvania Electric Company received by it, and in return, Keystone Public Service Company obtain the 115,000 shares of its common stock from Associated Electric Company. Keystone Public Service Company will then dissolve.

(f) Pennsylvania Electric Company acquire from Associated Electric Company (1) \$875,500 principal amount of NY PA NJ Utilities Company 5% Debentures, due 1952, and (2) \$28,500 principal amount of The Mohawk Valley Company 6% Consolidated Refunding Gold Bonds, due 1981. In return, Pennsylvania Electric Company will transfer to Associated Electric Company 38,562 shares of the \$20 par value common stock of Pennsylvania Electric Company. Adjustments will be made, in cash, for accrued interest on the bonds to date of closing.

(g) Pennsylvania Electric Company transfer to NY PA NJ Utilities Company, for cancellation, \$1,731,500 principal amount of NY PA NJ Utilities Company, 5% Debentures, due 1952, and \$28,500 principal amount of the Mohawk Valley Company 6% Consolidated Refunding Gold Bonds, due 1981. In return, Pennsylvania Electric Company will receive all the outstanding common stock of Bradford Electric Company owned by NY PA NJ Utilities Company. Adjustments will be made in cash for accrued interest on the bonds to date of closing, and for the undistributed earnings of Bradford Electric Company from May 5, 1942, to date of closing.

(h) Pennsylvania Electric Company and Bradford Electric Company enter into an agreement with The Equitable Life Assurance Society of the United States, wherein the obligation for payment of the unsecured 4% note, due September 1, 1949, in the principal amount of \$550,000 owed by Bradford Electric Company to The Equitable Life Assurance Society of the United States be assumed by Pennsylvania Electric Company.

(i) Pennsylvania Electric Company acquire all the assets and assume all the liabilities of Bradford Electric Company and, in return, Bradford Electric Company will receive all its common stock from Pennsylvania Electric Company. Bradford Electric Company will then dissolve.

The Commission having issued Notices of Filing and Orders for Hearing in respect to the proposed transactions, and the various proceedings having been consolidated, and hearings having been held in such consolidated proceedings in which all security holders of the applicants-declarants, and other interested persons, were given opportunity to be heard; and requests for findings, briefs, and oral argument having been waived; and

The Commission having considered the record of the proceedings and having entered its Findings and Opinion herein, and deeming it appropriate in the public interest and in the interest of investors and consumers to permit the declarations, as amended, to become effective and to approve the applications, as amended;

It is hereby ordered, That the aforesaid declarations, as amended, be and hereby are permitted to become effective and the aforesaid applications, as amended, be and hereby are granted forthwith, subject, however, to the terms and conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction be and is hereby reserved to pass upon the accounting entries to be made by Associated Electric Company and NY PA NJ Utilities Company in connection with the proposed transactions.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-13508; Filed, August 18, 1943;
12:37 p. m.]

[File No. 70-772]

**SOUTHWESTERN PUBLIC SERVICE COMPANY
ET AL.**

**NOTICE OF FILING AND ORDER FOR HEARING
AND ORDER CONSOLIDATING HEARINGS**

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 17th day of August, A. D. 1943.

In the matters of Southwestern Public Service Company, File No. 70-772, and Gus B. Walton, File No. 70-772.

Notice is hereby given that on August 10, 1943 Gus B. Walton, as an individual, filed an application with this Commission, pursuant to the Public Utility Holding Company Act of 1935, and particularly sections 9 (a) (2) and 10 thereof.

All interested parties are referred to said document, which is on file in the office of this Commission, for a complete statement of the transactions therein proposed, which are summarized as follows:

Gus B. Walton proposes to purchase from Southwestern Public Service Company, a registered holding company, all of the outstanding securities of Arkansas Utilities Company, consisting of \$1,000,000 principal amount First Mortgage 4% Bonds, Series A, due June 1, 1971 and 100,000 shares of common stock, par value \$5 per share, for a basic consideration of \$1,725,000 cash, subject to adjustments for net current assets and certain tax adjustments.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application, and that said application shall not be granted except pursuant to further order of the Commission;

It further appearing to the Commission that on August 7, 1943, the said Southwestern Public Service Company filed a declaration with this Commission proposing to sell to the said Gus B. Walton all of the said outstanding securities of Arkansas Utilities Company;

It further appearing to the Commission that under date of August 11, 1943, the Commission gave notice of the filing

of said declaration of said Southwestern Public Service Company, and ordered that a hearing be held thereon on August 24, 1943 at 10:00 o'clock a. m., e. w. t. in the offices of the Securities and Exchange Commission at Philadelphia, Pennsylvania; and

It further appearing to the Commission that the proceedings upon the application and declaration of the said Gus B. Walton and of the Southwestern Public Service Company involve common questions of law and fact and should be consolidated and heard together;

It is ordered, That the proceedings upon the said application and declaration of said Gus B. Walton and of Southwestern Public Service Company be and they are hereby consolidated for the purpose of hearing and that the said consolidated hearing be held on August 24, 1943 at 10:00 a. m., e. w. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On the day hereinabove indicated for such consolidated hearing, the hearing room clerk in Room 318 will advise as to the room where such hearing will be held.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at such consolidated hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That at said hearing without limiting the scope of the issues presented by said application and declaration, particular attention shall be directed to the issues specified in the Notice of Filing and Order for Hearing under date of August 11, 1943 in regard to the declaration of Southwestern Public Service Company.

It is further ordered, That any other person desiring to be heard in connection with these proceedings or proposing to intervene herein shall file with the Secretary of the Commission, on or before August 21, 1943, his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order to Southwestern Public Service Company and to Gus B. Walton by registered mail; and that notice of said hearing be given to all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-13564; Filed, August 19, 1943;
11:37 a. m.]

[File No. 70-771]

**ASSOCIATED GAS AND ELECTRIC COMPANY
ET AL.**

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Philadelphia, Pa., on the 18th day of August 1943.

In the matter of Stanley Clarke, Trustee of Associated Gas and Electric Company, Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation.

Notice is hereby given that an application and declaration has been jointly filed by Stanley Clarke, Trustee of Associated Gas and Electric Company, a registered holding company, and Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company; and

All interested persons are referred to the said application-declaration, which is on file in the office of the said Commission, for a statement of the transactions therein proposed, which are summarized below:

The applicants-declarants have entered into agreements to compromise their claims and those of their direct and indirect subsidiaries and affiliates against (a) John I. Mange, individually and as Trustee, and others, all referred to as the "Mange Group", and (b) Marguerite C. Burroughs, individually and as administratrix of the Estate of Frederick S. Burroughs, deceased. As part of such agreements:

(1) The "Mange Group" will deliver to applicants-declarants the following securities of applicants-declarants and certain of their subsidiaries and affiliates:

- \$17,000 p. a. Associated Gas and Electric Company 5% sinking fund income debentures due 1983.
- \$450 p. a. Associated Gas and Electric Company 4% and 4½% Associated Gas and Electric Company interest bearing scrip due September 1, 1942 and June 15, 1947.
- 29 shs. Associated Gas and Electric Company Class A stock.
- \$4,250 p. a. Associated General Utilities Company income debentures.
- 17 shs. Associated General Utilities Company voting trust certificates for common stock.
- \$2,500 p. a. Broad River Power Company 5% Bonds due 1954, with \$300 matured coupons.
- \$1,000 p. a. Florida Public Service Company 4% Bonds due 1955, with \$100 matured coupons.
- 1 sh. Beneficial Interest in Associated Gas and Electric properties;

(2) Marguerite C. Burroughs, individually and as administratrix of the Estate of Frederick S. Burroughs, deceased, will deliver to applicants-declarants the following securities of applicants-declarants and certain of their subsidiaries and affiliates:

- \$6,130 p. a. Utilities Employees Securities Company 6% income notes due 1981.
- \$10,000 p. a. Associated Electric Company 4½% gold bonds due 1953.
- \$10,000 p. a. Associated General Utilities Company 4% income debentures due 1961.
- 1,034 shs. Associated General Utilities Company voting trust certificates for common stock.

The foregoing securities of Associated Gas and Electric Company and certain

subsidiaries and affiliate companies will be delivered to applicants-declarants. After payment therefrom of the expenses of investigation, negotiation, settlement, and distribution, applicants-declarants will, with the approval of the United States District Court for the Southern District of New York, having jurisdiction over the reorganization proceedings of Associated Gas and Electric Company and Associated Gas and Electric Corporation, and such regulatory bodies as have jurisdiction with respect thereto, allocate and distribute said securities and other assets to or among the Trustee of Associated Gas and Electric Company and the Trustees of Associated Gas and Electric Corporation, and their subsidiaries and affiliates, in such proportions as may be determined by agreement, arbitration, judicial proceedings, or other appropriate method. The proposed transaction which is the subject matter of this application-declaration is the initial delivery to applicants-declarants of the securities referred to. Neither the subsequent determination of the persons for whose account, including their own, applicants-declarants will hold said securities, nor the eventual distribution thereof to such persons as may ultimately be determined to be entitled thereto, constitutes any part of the proposed transaction.

Applicants-declarants have designated sections 9 and 12 (c) of the Act, and Rules U-42 and U-100 of the General Rules and Regulations promulgated thereunder, as possibly being applicable to the said transactions.

It appearing to the Commission that it is appropriate and in the public interest and the interest of investors and consumers that a hearing be held with respect to said matter, and that said application-declaration shall not be granted or become effective except pursuant to further order of this Commission;

It is hereby ordered, That a hearing on such matters, under the applicable provisions of the said Act and the rules of the Commission thereunder be held on August 31, 1943, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is, hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by said application-declaration, particular attention will be directed at said hearing to the following matters and questions:

1. Whether the proposed acquisition of securities complies with the requirements of the applicable provisions of section 10 of the

Public Utility Holding Company Act of 1935, and more especially with the provisions of subsection 10 (c) (2).

2. What, if any, terms and conditions should be prescribed in the public interest or for the protection of investors.

3. Whether in any respect the proposed transactions are detrimental to the public interest or to the interests of investors or consumers or will tend to circumvent any provisions of the Act or any rules, regulations or orders thereunder.

4. Whether the proposed transactions are appropriate and in the ordinary course of applicants-declarants' business within the meaning of section 9 (c) (3) of the Act, and whether, pursuant to the provisions of Rule U-100 (a), an exemption from any of the applicable rules and regulations promulgated under the Act is appropriate and not detrimental to the public interest or the interest of investors or consumers.

5. Whether the proposed transactions comply with the provisions of the Public Utility Holding Company Act of 1935 generally, together with the rules and regulations promulgated thereunder.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-13563; Filed, August 19, 1943; 11:37 a. m.]

SAN FRANCISCO STOCK EXCHANGE AND NEW YORK CURB EXCHANGE

SPECIAL OFFERING PLANS DECLARED EFFECTIVE

The Securities and Exchange Commission having heretofore declared effective for an indefinite period special offering plans of the San Francisco Stock Exchange and the New York Curb Exchange; and the San Francisco Stock Exchange, on July 28, 1943, and the New York Curb Exchange, on August 7, 1943, having filed amended plans for such special offerings; and

The Securities and Exchange Commission having given due consideration to the special offering plans, as amended, of the San Francisco Stock Exchange and the New York Curb Exchange, and having due regard for the public interest and for the protection of investors, pursuant to the Securities Exchange Act of 1934, particularly sections 10 (b) and 23 (a) thereof, and § 240.10B-2 [Rule X-10B-2] thereunder, hereby declares the respective special offering plans of the San Francisco Stock Exchange and the New York Curb Exchange, as modified by the aforesaid amendments, to be effective, on condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do, the Commission may suspend or terminate the effectiveness of either of said plans by sending at least ten days' written notice to the exchange whose plan is being suspended or terminated.

Effective August 18, 1943.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-13562; Filed, August 19, 1943; 11:45 a. m.]

WAR FOOD ADMINISTRATION.

HANDLING OF MILK IN NEW YORK METROPOLITAN MARKETING AREA

NOTICE OF REPORT AND OPPORTUNITY TO FILE EXCEPTIONS

Notice of report and opportunity to file written exceptions with respect to a proposed amendment to Order No. 27, as amended, and to tentatively approved marketing agreement, as amended, regulating the handling of milk in the New York Metropolitan Marketing Area, prepared by the Director of Food Distribution.

Pursuant to § 900.12 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, notice is hereby given of the filing with the hearing clerk in the Office of the Solicitor, Department of Agriculture, of the report of the Director of Food Distribution, with respect to proposed amendments to the order, as amended, and marketing agreement, as amended, regulating the handling of milk in the New York metropolitan milk marketing area. Interested parties may file exceptions to this report with the Hearing Clerk, Office of the Solicitor, in Room 1331 South Building, United States Department of Agriculture, Washington, D. C., not later than the close of business on the 10th day after the publication of this notice in the FEDERAL REGISTER.

The proceeding was initiated, following receipt of written petitions filed by the Metropolitan Cooperative Milk Producers' Bargaining Agency and other milk producer cooperatives, by the issuance, over the signature of the Assistant to the Secretary of Agriculture, on March 8, 1943, of a notice of hearing. A similar notice of hearing was also issued for the Commissioner of Agriculture and Markets of the State of New York by Kenneth F. Fee, Director of the Division of Milk Control. Accordingly, the hearing was held at the Hotel St. George in Brooklyn, New York, beginning on March 16 and continuing through March 18. The time for filing briefs was set at the closing of the hearing to expire March 26, 1943.

The hearing was confined to the development of two major issues, plus a proposal to transfer from § 927.7 of the order to § 927.2, under duties of the market administrator, a provision concerning determination by the market administrator as to what constitutes a plant and its equipment. The first of these major issues constituted the proposal of petitioners for a hearing to amend § 927.4 of the orders to provide for relocating differentials, a provision which would have the effect of restoring diversion payments, provision for which was formerly made in the order and limited, by amendment, effective April 1, 1942, to Classes III and IV-B milk, and finally terminated, effective November 16, 1942, by an order of the Secretary of Agriculture.

The second issue in this proceeding was a proposal of the Dairy and Poultry

Branch, Food Distribution Administration, to amend the price formula for Class IV-B milk (principally Cheddar cheese).

The issues considered at the hearing, other than the matter of diversion payments or relocation differentials, have been disposed of by the issuance, effective May 16, 1943, of an order amending Order No. 27, as amended.

On the matter of diversion payments, or relocating differentials, it is concluded that such a provision, whether it be a provision for diversion payments as previously contained in the order and previously found not to effectuate the purposes of the Agricultural Marketing Agreement Act of 1937, as amended, or for relocating differentials as proposed in this proceeding, or any other provision embodying the same principle and essential features, is not necessary and would not tend to effectuate the purposes of the act and, therefore, should not again be included in the order.

This report filed at Washington, D. C., this 18th day of August 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-13560; Filed, August 19, 1943;
11:35 a. m.]

WAR PRODUCTION BOARD.

WILLIAM PETERSEN

CONSENT ORDER

William Petersen is engaged in the plumbing and heating equipment business in Sidney, Montana. From September 19, 1942, to May 19, 1943, he sold and delivered to numerous customers new plumbing and heating equipment, not as emergency repairs, having an aggregate value of \$1174.50, for which no preference ratings were applied or extended. From October 26, 1942 to February 9, 1943, he sold and delivered new plumbing and heating equipment, not as emergency repairs, having an aggregate value of \$263.50, for the purchase of which the purchasers erroneously applied A-10 ratings under Preference Rating Order P-84. These acts constituted violations of Limitation Order L-79. From September 1, 1942, to May 20, 1943, he extended A-10 preference ratings with Preference Rating Order P-84 certifications to his supplier on numerous orders for the purchase of new plumbing and heating equipment which orders were not supported by his customers' ratings and were not for emergency repairs. These acts constituted misrepresentations by him to the War Production Board and violations of § 944.18 of Priorities Regulation No. 1. He was familiar with the orders and regulations above-mentioned, or, by reason of his business activities, and the receipt of frequent bulletins from his supplier, should have been familiar with them. William Petersen admits each of the

above statements and consents that this suspension order shall be issued.

Wherefore, upon the agreement and consent of the Respondent, the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commission,

It is hereby ordered, That:

(a) William Petersen, his successors or assigns, shall not directly or indirectly, buy, order, receive, or accept delivery of any metal plumbing equipment or metal heating equipment, as the same are defined by General Limitation Order L-79 as amended, except as specifically authorized in writing by the War Production Board.

(b) Deliveries of material to William Petersen, his successors or assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) No allocation or allotment shall be made to William Petersen, his successors or assigns, of any material or product, the supply or distribution of which is governed by any Order of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(d) Nothing contained in this order shall be deemed to relieve William Petersen, his successors or assigns, from any prohibition, restriction, or provision contained in any other order or regulation of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on August 26, 1943, and shall expire on October 26, 1943, at which time the restrictions contained in this order shall be of no further effect.

Issued this 19th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13529; Filed, August 19, 1943;
10:43 a. m.]

WAR SHIPPING ADMINISTRATION.

VESSEL "RESOLUTE"

NOTICE OF DETERMINATION

Notice of determination of War Shipping Administrator with respect to the vessel Resolute pursuant to section 3 (b) of the Act approved March 24, 1943 (Public Law 17, 78th Congress, 1st session).

Notice is given that pursuant to section 3 (b) of Public Law 17, 78th Congress, the following determination has been made:

Whereas on October 17, 1942, title to the vessel Resolute (including all spare parts appertaining thereto, whether aboard or ashore) was requisitioned, pur-

suant to section 902 of the Merchant Marine Act, 1936, as amended; and

Whereas section 3 (b) of the Act approved March 24, 1943 (Public Law 17—78th Congress, 1st Session), provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, of just compensation therefor, that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the Act of June 6, 1941 (Public Law 101, Seventy-Seventh Congress), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking; *Provided, however,* That no such determination shall be made with respect to any vessel

after the expiration of a period of two months after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner.

Whereas just compensation for the said vessel has not been paid or deposited with the Treasurer of the United States; and

Whereas, the ownership of the said vessels, their spare parts and appurtenances, is not required by the United States; and

Whereas by mutual agreement between the Administrator, War Shipping Administration, and Providence Steamboat Company, Providence Steamboat Company has consented to the determination by the Administrator that the use rather than the title of the said vessel, its spare parts and appurtenances, shall be deemed to have been requisitioned as of the date of the original taking thereof, namely, October 17, 1942;

Now, therefore, I, Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above quoted provision of law, do determine that the ownership of said vessel, its spare parts and appurtenances, is not required by the United States, and that the requisition on October 17, 1942, of the above-mentioned vessel, its spare parts and appurtenances, shall, from and after the date of publication hereof in the FEDERAL REGISTER, be deemed to have been, for all purposes, a requisition of the use rather than of the title of said vessel, its spare parts and appurtenances, as of the date of the original taking, namely, October 17, 1942.

Dated: August 18, 1943.

[SEAL]

E. S. LAND,
Administrator.

[F. R. Doc. 43-13539; Filed, August 19, 1943;
11:18 a. m.]